

## RESOLUTION NO. 2021-XX

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING AN ENERGY SERVICES AGREEMENT WITH NORESCO, LLC FOR THE DESIGN AND CONSTRUCTION OF ENERGY EFFICIENCY IMPROVEMENTS

WHEREAS, California Government Code Sections 4217.10 et seq. authorize the City Council to enter into an energy services agreement for the implementation of energy related improvements if the City Council finds that it is in the best interest of the City to enter into such energy services agreement and the anticipated cost to the City for thermal or electrical energy or conservation services provided the energy conservation facility under the agreement will be less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of the energy conservation facilities; and

WHEREAS, the City of Fullerton (City) desires to reduce steadily rising costs of meeting energy needs at its facilities; and

WHEREAS, the City previously awarded and entered into an agreement with NORESCO, LLC, (Contractor) to perform an Investment Grade Audit (IGA) of existing City facilities and equipment to determine energy conservation and improvement measures, which will reduce the cost of energy to the City; and

WHEREAS, Contractor has completed the IGA and provided the City with an analysis showing the benefits of implementing certain energy conservation measures (Project) as well as the cost to implement the Project; and

WHEREAS, the sites where the Project will be located are at multiple facilities and properties owned by the City of Fullerton; and

WHEREAS, pursuant to the provisions of Section 15301 of the California Environmental Quality Act, the Project qualifies as Categorically Exempt and a Notice of Exemption was prepared.

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. Per California Government Code Section 4217.10 et seq., the City Council hereby finds and determines that all the recitals set forth above are true and correct.
2. The City Council finds that based on the analysis of the IGA, the anticipated cost to the City for thermal or electrical energy or conservation services provided by the Project will be less over the life of the equipment than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of the Project.
3. The City Council finds that it is in the best interest of the City of Fullerton to enter into an Energy Services Agreement with NORESCO, LLC for the Project.
4. The City Council hereby approves the Energy Services Agreement, by and between the City and NORESCO, LLC for the Project, substantially in the form attached, and subject to final approval by the City Attorney.

5. The City Council hereby authorizes the Mayor to execute and the City Manager or designee to administer the Energy Services Agreement by and between the City and NORESCO, LLC in a form approved by the City Attorney.
6. The Public Works Director is authorized to make modifications to the proposed improvements to the Project and is authorized to approve change orders or purchase orders for construction and professional services within the City Council approved budget.

ADOPTED BY THE FULLERTON CITY COUNCIL ON SEPTEMBER 21, 2021

\_\_\_\_\_  
Bruce Whitaker, Mayor

ATTEST:

\_\_\_\_\_  
Lucinda Williams, City Clerk

\_\_\_\_\_  
Date