

Town of Yountville
Resolution Number 24-4315

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN ENERGY SERVICE CONTRACT WITH A MAXIMUM AMOUNT OF \$15,000,000 WITH AN INITIAL AUTHORIZATION FOR \$42,800 FOR AUDIT AND DESIGN SERVICES WITH SCHNEIDER ELECTRIC AND FINDING THE APPROVAL EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Recitals

WHEREAS, Chapter 3.2 (Energy Conservation Contracts) of Division 5 of Title 1 of the Government Code authorizes local governments to implement energy conservation measures at their public facilities and enter into “energy service contracts” to promote resource conservation.

WHEREAS, Government Code section 4217.12 authorizes the Town to enter into an energy service contract and any necessarily related facility ground lease on terms determined to be in the best interest of the Town, provided the Town Council makes certain findings at a regularly scheduled public hearing.

WHEREAS, a proposed energy service contract with Schneider Electric Building Americas, Inc., is attached hereto as **Exhibit A** and incorporated herein by reference (the “Energy Service Contract”).

WHEREAS, Town staff evaluated the proposal submitted by Schneider Electric based on Schneider Electric’s relevant experience, the type of technology it employs, the cost to the Town, and other relevant considerations in accordance with Government Code section 4217.16.

WHEREAS, because the Town is not considering entering into a facility ground lease, the Town Council need not make the findings specific to facility ground leases set forth in subsection (a)(2) of Government Code section 4217.12.

WHEREAS, notice for the regularly scheduled public hearing to be held on October 1, 2024 was given at least two weeks in advance, in accordance with Government Code section 4217.12.

Now therefore, the Town Council of the Town of Yountville does ordain as follows:

SECTION 1. RECITALS: The foregoing recitals are true and correct and incorporated into the findings herein.

SECTION 2. RECORD: The Record of Proceedings (“Record”) upon which the Town Council bases its approval includes, but is not limited to: (1) the staff reports, Town files and records and other documents prepared for and/or submitted to the Town relating to this Resolution, (2) the evidence, facts, findings and other determinations set forth in this Resolution, (3) the Town of Yountville General Plan and its certified final EIR and the Yountville Municipal Code, (4) all

designs, plans, studies, data and correspondence submitted to the Town in connection with this Resolution, (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the Town, and (6) all other matters of common knowledge to the Town Council including, but not limited to, Town, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the Town of Yountville and its surrounding areas.

The location and custodian of the records is the Town Clerk's Office located at 6550 Yount Street in Yountville, CA 94599.

SECTION 3. CEQA: The approval and execution of this Energy Service Contract is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301 (existing facilities) as any minor alteration of public facilities pursuant to the Energy Service Contract will involve negligible or no expansion of existing or former use; 15302 (replacement or reconstruction) as any replacement or reconstruction of existing facilities pursuant to the Energy Service Contract will be located on the same site and have substantially the same purposes and capacity; 15306 (information collection) as the collection and evaluation of energy-related data pursuant to the Energy Service Contract will inform actions the Town has not yet approved; and 15307 (protection of natural resources) and 15308 (protection of the environment) as the Energy Service Contract assures the preservation of finite energy sources for the protection of the environment.

SECTION 4. FINDINGS: Based upon the Record, including but not limited to reports, analyses and presentations by Schneider Electric Building Americas Inc. and Town staff, as reviewed by the Council in connection herewith, and as required by Government Code section 4217.12, the Council hereby finds the anticipated cost to the Town for thermal or electrical energy or conservation services provided by the energy conservation facilities under the Energy Service Contract will be less than the anticipated marginal cost to Town of thermal, electrical, or other energy that would have been consumed by the Town in the absence of the Energy Service Contract. The terms of the Energy Service Contract are in the best interests of the Town.

SECTION 5. AUTHORIZATION: The Energy Service Contract, attached hereto as **Exhibit A**, is hereby approved and the Town Manager is authorized to sign the Energy Service Contract on behalf of the Town and to take all steps and perform all actions with respect to identifying and securing financing and/or sources of funds, including savings and other Town funds, and returning to this Council with a recommendation concerning such financing, and to take any actions deemed necessary to protect the interests of the Town.

SECTION 6. CERTIFICATION: The Town Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 1st day of October 1, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Margie Mohler, Mayor

ATTEST:

Hilary Gaede, Communications Director / Town Clerk

APPROVED AS TO FORM:

Gary B. Bell, Town Attorney