

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AUTHORIZING THE EXECUTION AND DELIVERY OF A RENEWABLE AND ALTERNATIVE POWER PUBLIC WATER AND WASTEWATER AGENCY AGREEMENT WITH SOUTHERN CALIFORNIA EDISON, INC., FOR THE PURPOSE OF SELLING ELECTRICITY GENERATED AT THE CITY'S CONDUIT HYDROELECTRIC PLANT, AND AUTHORIZING RELATED ACTIONS

WHEREAS, the City received United States Bureau of Reclamation License and Agreement No. 20-07-20-L2148 (City Agreement No. 11,539), dated July 15, 1982, which permitted the construction, operation and maintenance of the City's Hydroelectric Plant on United States land adjacent to Lauro Reservoir;

WHEREAS, the City's hydroelectric plant produced clean, renewable power from 1985 through 1998;

WHEREAS, the City decommissioned the hydroelectric plant in 1998, when it was determined that project operation, maintenance, permit, and regulatory costs exceeded project revenues;

WHEREAS, on November 2, 2010, the City Council adopted Resolution No. 10-086 to demonstrate the City's desire to resume operations at the hydroelectric plant, and to demonstrate intent by Council to accept ownership of the underlying land, if conveyed to the City by Reclamation;

WHEREAS, on October 17, 2012, City staff filed an application for a Renewable and Alternative Power Public Water and Wastewater Agency Agreement with Southern California Edison, Inc., for the Purpose of Selling the City's Hydroelectric Conduit Plant Power;

WHEREAS, on January 7, 2013, the U.S. General Services Administration (GSA) issued a Notice that it had determined the land beneath the City's hydroelectric plant "to be Government surplus and available for disposal";

WHEREAS, on March 19, 2013, the City Council adopted Resolution No. 13-015 Authorizing Christine F. Andersen, Public Works Director, to Act on Behalf of the City in the Negotiated Purchase of the Real Property Beneath the City's Hydroelectric Plant and Verify that Funds Have Been Budgeted for the Purchase, which will be based upon an Appraisal by a State Certified Appraiser;

WHEREAS, on July 2, 2013, the City Council adopted a resolutions authorizing the purchase of the property and acceptance of a Quitclaim deed to the property; and

WHEREAS, the City Council has been presented with the form of a Renewable and Alternative Power Public Water and Wastewater Agency Agreement, and the City Council has examined and approved such documents and desires to authorize and direct the execution of such documents, subject to minor changes.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

Section 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, that certain agreement between the City of Santa Barbara and Southern California Edison, Inc., which provides for the sale of power from the City's Hydroelectric Conduit Power Plant for a period of 20 years, is hereby approved.

Section 2. The Public Works Director is hereby authorized to take all actions and execute such agreements as deemed necessary in order to consummate the agreement herein authorized and otherwise to carry out the terms and intent of this Ordinance.

Section 3. All actions heretofore taken by the officers, employees and agents of the City with respect to the agreement set forth above are hereby approved, confirmed and ratified.