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2 **Resolution Relating to**  
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**RESOLUTION \_\_\_\_\_**

Sponsor(s): Councilors Bushor,  
Aubin - Board of Finance

Introduced: \_\_\_\_\_

Referred to: \_\_\_\_\_

Action: \_\_\_\_\_

Date: \_\_\_\_\_

Signed by Mayor: \_\_\_\_\_

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6 **APPROVAL OF PURCHASE POWER AGREEMENT**  
7 **BETWEEN SOUTH FORTY SOLAR, LLC AND**  
8 **BURLINGTON ELECTRIC DEPARTMENT.**  
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11  
12 **CITY OF BURLINGTON**  
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14 In the year Two Thousand Thirteen.....

15 Resolved by the City Council of the City of Burlington, as follows:

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17 That WHEREAS, South Forty Solar, LLC is developing a two and a half megawatt (2.5 MW)  
18 photovoltaic solar panel electric generating facility located on Sunset Cliff Road in Burlington,  
19 Vermont (“Project”); and

20 WHEREAS, South Forty Solar, LLC desires to sell 100% of the Project’s electricity and  
21 other products related to electric generation to Burlington Electric Department (“BED”); and

22 WHEREAS, BED’s General Manager has determined that purchasing 100% of the  
23 Project’s electricity and other products related to electric generation will be in the best interest of  
24 BED’s customers and BED; and

25 WHEREAS, BED’s General Manager has determined that it is in the best interest of BED  
26 to enter into a Purchase Power Agreement with South Forty Solar, LLC that calls for a term of  
27 25 years from the date of Project commissioning at a rate of \$0.195 per kWh of electricity  
28 produced; and

29 WHEREAS, on July 10, 2013, the City of Burlington Electric Commission approved the  
30 terms of the Purchase Power Agreement between BED and South Forty Solar, LLC; and

31 WHEREAS, in approving the Purchase Power Agreement the City of Burlington Electric  
32 Commission instructed BED to take no position in any future permitting proceedings relative to  
33 the suitability of the proposed location for the South Forty Solar, LLC project for solar  
34 development; and

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49 WHEREAS, at its regularly scheduled meeting on September 30, 2013, the City

50 Council's Board of Finance voted to send this Resolution to the City Council with no

51 recommendation.

52 NOW THEREFORE, BE IT RESOLVED THAT upon City Council approval, BED

53 General Manager Barbara L. Grimes, on behalf of the City, is authorized to negotiate and

54 execute the Purchase Power Agreement and any documents necessary to facilitate the Purchase

55 Power Agreement subject to the following:

56 a) that the final Agreement is in substantial compliance with the draft Agreement

57 submitted to the BOF and City Council;

58 b) that BED adheres to the Burlington Electric Commission condition regarding

59 neutrality in the permitting process for the Project;

60 c) that all other required permits, licenses, or approvals from any other City, state, or

61 federal entity be obtained prior to BED taking any deliveries under the Agreement;

62 d) that the Agreement is subject to any applicable City Purchasing Procedure; and

63 e) that the final Agreement be subject to prior review by the Chief Administrative

64 Officer and the City Attorney, as appropriate.

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83 NAME/PURPOSE OF CONTRACTS:	Purchase Power Agreement
84 ADMINISTRATIVE DEPARTMENT:	Burlington Electric Department
85 CONTRACT AMOUNTS:	\$0.195 (nineteen and one half cents) per kWh of
86	electricity produced
87 CONTRACT TERM:	25 years from the date of Project commissioning
88 DESIGNATION OF FUNDS:	Electric Department revenues
89 FISCAL YEAR:	2013 and future
90 ACCOUNT NAME:	BED Power Supply Budget
91 ACCOUNT NUMBER:	

92

93 211150/86 Resolution – Purchase Power Agreement Southforty Solar and BED