

## **BILL NO. 19-170**

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AN ORDINANCE APPROVING A SOLAR SERVICES AGREEMENT WITH LEE'S SUMMIT SOLAR, LLC, FOR THE PLACEMENT OF SOLAR FACILITIES ON CITY PROPERTIES.

WHEREAS, the City issued RFP 2018-300 for a Lee's Summit Solar Project which sought proposals from qualified firms/providers to design, procure, install, commission, operate and maintain a ground mounted solar photovoltaic system for the Lee's Summit Animal Control Facility located at 1991 SE Hamblen Road, Lee's Summit, Missouri; and,

WHEREAS, as a result of RFP 2018-300, the City executed a "Build, Operate and Lease Agreement with Option to Purchase" with MC Power Company, Inc., dated December 24, 2017, which provided for the placement of solar facilities at the Animal Control Facility; and,

WHEREAS, on December 12, 2018, the Community and Economic Development Committee (CEDC) of the City Council received an update on the Animal Control Facilities solar project from representatives of MC Power Company, at which time the CEDC also learned that the KCP&L Solar Power Rebate Program continues to provide solar power rebates in limited quantities (maximum of \$8 million in rebates in the in the "KCP&L Missouri area" which includes Lee's Summit) and that there has been significant demand for such rebates; and,

WHEREAS, on December 18, 2018, the City Council approved Resolution No. 18-22 which directed staff to file one or more applications with KCP&L for the KCP&L Solar Power Rebate program, to request rebates for the City's potential use of photovoltaic solar panels on City-owned facilities in anticipation implementing the request for qualifications that was authorized by the same Resolution; and

WHEREAS, Resolution No. 18-22 also authorized the preparation of a request for qualifications from qualified firms/providers to design, procure, install, commission, operate and maintain ground mounted solar photovoltaic systems at Lee's Summit public facilities, in which the selected firm or provider will supply such services on City facilities as later identified by the City; and

WHEREAS, as a result of Resolution No. 18-22, the City issued Request for Qualifications No. 2019-044 on January 11, 2019, and in response MC Power submitted a Statement of Qualifications on January 25, 2019; and

WHEREAS, the City Council finds that MC Power has the proper qualifications to carry out a solar program on selected City facilities, in partnership with a provider that will finance and provide the solar facilities which would be placed on City properties and managed by MC Power for the City; and

WHEREAS, City staff has negotiated a Solar Facilities Agreement with representatives of MC Power and Gardner Capital, pursuant to which Gardner Capital through the single-purpose entity Lee's Summit Solar, LLC, will purchase the solar facilities for selected City properties pursuant to the terms of the Agreement, MC Power will install and maintain the solar facilities, and the City will make service payments for the placement, usage and maintenance of the solar facilities for a period of twenty years for each of the selected City sites; and

WHEREAS, City staff has carefully studied the potential placement of solar facilities on City-owned properties and facilities, and has recommended that certain roof-mounted and ground-

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mounted solar facilities be placed on certain City properties and facilities that are managed by the Water Department, the Fire Department, the Police Department and the Administration Department for the City; and

WHEREAS, the City Council finds that the placement of solar facilities on the City properties and City facilities as recommended by City staff is in the best interest of the City because it will result in cost savings for the City in the consumption of electricity and provide environmental benefits for the City; and

WHEREAS, the Lee's Summit Parks and Recreation Board has similarly determined that the placement of solar facilities on properties and facilities owned by the Parks and Recreation Board as recommended by Lee's Summit Parks and Recreation staff is in the best interest of Lee's Summit Parks and Recreation; and,

WHEREAS, the City Council desired to approve a Solar Services Agreement to implement the solar program that has been proposed by MC Power as a result of RFQ No. 2019-044.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. The Solar Services Agreement, which is attached hereto as **Exhibit A** and incorporated herein by reference, is hereby approved and the City Manager is hereby authorized and directed to execute the Solar Services Agreement for the City.

SECTION 2. The listing of City properties and facilities that are set forth in **Exhibit B** and incorporated herein by reference are hereby approved for the placement of Solar Facilities pursuant to the Solar Services Agreement, except that the placement of Solar Facilities on Lee's Summit Parks and Recreation properties and facilities shall be subject to joint approval by the Parks and Recreation Board.

SECTION 3. City staff and officials are hereby authorized to take such additional actions and execute such additional documents as are necessary to carry out the rights, duties and obligations of the City for implementation of the Solar Services Agreement and all related agreements including, but not limited to, a License Agreement in substantial compliance with the form attached to the Solar Services Agreement for the placement of Solar Facilities on each City property that is approved by this ordinance and any subsequent ordinances related to the approval of additional sites for Solar Facilities, and an estoppel certificate for each investor member that invests in the Solar Facilities pursuant to the Solar Services Agreement.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

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ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2019.

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Mayor *William A. Baird*

ATTEST:

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City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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City Attorney *Brian W. Head*