

**RESOLUTION NO. \_\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Approving And Authorizing The City Manager To Execute And Enter Into An Agreement With The Emery Unified School District Consenting To Installation Of A Solar Project At Emery Center Of Community Life As Referenced In The Joint Occupancy Agreement, Attachment F, Section 10 And 6.1 To Annually Contribute To The Operations And Maintenance Budget**

**WHEREAS**, In 2014, the Emery Unified School District (EUSD) and the City of Emeryville (the Parties) entered into a Joint Occupancy Agreement (JOA) relating to the construction and use of the Emery Center of Community Life (ECCL); and

**WHEREAS**, Pursuant to the terms of the JOA, a Governance Committee consisting of the City Council and District Board recommends an Annual Operations and Maintenance Budget for ECCL. The City Council and District Board then each approve their own appropriations for the Annual Operations and Maintenance Budget based on the estimates for all expenses associated with the operation and maintenance of the ECCL Project Facilities; and

**WHEREAS**, EUSD has been assessing installing solar photovoltaic panels on the ECCL for the last several years; and

**WHEREAS**, The Agreement provides that the Solar PV and battery storage system will not be placed on the Capital Replacement Schedule as discussed in Section 6.4 in Attachment F (Operations, Maintenance and Shared Use Agreement) that is part of the JOA. Thus, neither EUSD nor the City will be contributing to capital replacement costs; and

**WHEREAS**, The term of the Agreement commences on the date it is executed by each Party and ends upon the earliest of the following: (1) the City's early termination of the ECCL Project Lease pursuant to Section 2.2 of the ECCL Project Lease; (2) the District's notification of its desire to terminate this Agreement; or (3) twenty-five years after the date of execution; now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville hereby approves and authorizes the City to execute and enter into an Agreement with the Emery Unified School District consenting to installation of a Solar Project at Emery Center of Community Life as Referenced In the Joint Occupancy Agreement, Attachment F, Section 10 And 6.1 to annually contribute to the Operations and Maintenance Budget; and, be it, further

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ECCL Solar Agreement  
City Council Meeting | June 7, 2022  
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**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held  
Tuesday, June 07, 2022, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK

DocuSigned by:  
*John Kennedy*  
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\_\_\_\_\_  
CITY ATTORNEY