Resolution Relating to

RESOLUTION _____

Sponsor(s): Councilors Keogh, Wright, Paul, Mulvaney-Stanak, Bd. of Finance

Introduced: 10-17-2011

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

APPROVAL OF TWO LICENSE AGREEMENTS BETWEEN ENCORE BTV SCHOOLS SOLAR I, LLC AND THE BURLINGTON SCHOOL DISTRICT

CITY OF BURLINGTON

In the year Two Thousand Eleven.....
Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, the Burlington School Department ("BSD") has been working with Encore BTV Schools Solar I, LLC ("Encore") on two license agreements with substantially identical terms that would permit the installation and placement of solar panels on the roofs of two (2) Burlington School District Schools: Burlington High School and C.P. Smith Elementary School ("License Agreements"); and

WHEREAS, the License Agreements each call for a term of twenty (20) years; and

WHEREAS, in exchange for the grant of the licenses, BSD will receive, among other benefits and securities, a license fee equal to ten (10) percent of the yearly gross income for the sale of electricity produced by the solar panels located on the applicable school building under the Purchase Power Agreement between Encore and Burlington Electric Department that was adopted by this Council by Resolution on September 12, 2011 and signed by the Mayor on September 13, 2011.

WHEREAS, title to the Burlington High School and C.P. Smith Elementary School properties is in the name of the City of Burlington; and

WHEREAS, pursuant to Burlington City Charter Article Twenty-Two, Section Fifty-Five, "[t]he City Council shall have the exclusive power to authorize sale or lease of any real or personal estate belonging to said City…"; and

WHEREAS, this project achieves three objectives for BSD: to increase access to local, renewable energy and promote the development of distributed renewable energy in our community; to provide an educational opportunity for the children of the City of Burlington; and to provide a small financial benefit to the Burlington Schools; and

WHEREAS, at its regularly scheduled meeting of October 11, 2011, the Burlington School Board unanimously approved the License Agreements in a form consistent with their approval and authorized that they be signed by the Chair of the School Board or his designee subject to the ratification of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the License Agreements; and

Resolution Relating to

APPROVAL OF TWO LICENSE AGREEMENTS BETWEEN ENCORE BTV SCHOOLS SOLAR I, LLC AND THE BURLINGTON SCHOOL DISTRICT

BE IT FURTHER RESOLVED that the City Council authorizes and/or ratifies the execution of the License Agreements between Encore BTV Schools Solar I, LLC and the Burlington School District, and such other documents as will be required for the lawful culmination of said licenses, all subject to the prior approval of the City Attorney as necessary, by the Chair of the Burlington School Board, and/or his designee(s); and

BE IT FUTHER RESOLVED that the Mayor of the City of Burlington be and hereby is authorized to execute the License Agreements on behalf of the City of Burlington subject to the prior approval of the City Attorney as necessary.