

1
2 **Resolution Relating to**
3

RESOLUTION

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

Finance
Introduced: 10-17-2011

Referred to: _____

Action: _____

Date: _____

Signed by Mayor: _____

4
5
6 **APPROVAL OF TWO LICENSE**
7 **AGREEMENTS BETWEEN**
8 **ENCORE BTV SCHOOLS SOLAR I, LLC**
9 **AND THE BURLINGTON SCHOOL**
10 **DISTRICT**

11
12
13 **CITY OF BURLINGTON**

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

16
17 That WHEREAS, the Burlington School Department ("BSD") has been working with Encore
18 BTV Schools Solar I, LLC ("Encore") on two license agreements with substantially identical
19 terms that would permit the installation and placement of solar panels on the roofs of two (2)
20 Burlington School District Schools: Burlington High School and C.P. Smith Elementary School.
21 ("License Agreements"); and

22
23 WHEREAS, the License Agreements each call for a term of twenty (20) years; and

24
25 WHEREAS, in exchange for the grant of the licenses, BSD will receive, among other
26 benefits and securities, a license fee equal to ten (10) percent of the yearly gross income for the
27 sale of electricity produced by the solar panels located on the applicable school building under
28 the Purchase Power Agreement between Encore and Burlington Electric Department that was
29 adopted by this Council by Resolution on September 12, 2011 and signed by the Mayor on
30 September 13, 2011.

31
32 WHEREAS, title to the Burlington High School and C.P. Smith Elementary School
33 properties is in the name of the City of Burlington; and

34
35 WHEREAS, pursuant to Burlington City Charter Article Twenty-Two, Section Fifty-
36 Five, "[t]he City Council shall have the exclusive power to authorize sale or lease of any real or
37 personal estate belonging to said City..."; and

38
39 WHEREAS, this project achieves three objectives for BSD: to increase access to local,
40 renewable energy and promote the development of distributed renewable energy in our
41 community; to provide an educational opportunity for the children of the City of Burlington; and
42 to provide a small financial benefit to the Burlington Schools; and

43
44 WHEREAS, at its regularly scheduled meeting of October 11, 2011, the Burlington
45 School Board unanimously approved the License Agreements in a form consistent with their
46 approval and authorized that they be signed by the Chair of the School Board or his designee
47 subject to the ratification of the City Council.

48
49 NOW, THEREFORE, BE IT RESOLVED that the City Council approves the License
50 Agreements; and
51

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.