



**NAPA-VALLEJO WASTE
MANAGEMENT AUTHORITY**

Agenda Date: 7/9/2009

Agenda Placement: 6B

Napa-Vallejo Waste Management Authority Board Agenda Letter

TO: Board of Directors
FROM: Trent Cave - Manager
Napa-Vallejo Waste Management Authority
REPORT BY: Martha Burdick, Management Analyst - 253-4274
SUBJECT: Public Hearing: Exclusive Right to Negotiate

RECOMMENDATION

PUBLIC HEARING: EXCLUSIVE RIGHT TO NEGOTIATE

REQUESTED ACTION: Discussion and possible action regarding the following with regard to the American Canyon Sanitary Landfill:

1. Determine if an Exclusive Right to Negotiate Agreement for a ground lease and project agreement relating to a solar power facility at the American Canyon Sanitary Landfill, is an appropriate use of the facility under the provisions of Energy Conservation Contracts pursuant to Chapter 3.2 of Division 5 of Title 1 of the Government Code (commencing with Section 4217.10).
2. Adopt Resolution #09-10 making findings related to Energy Conservation Contracts.

EXECUTIVE SUMMARY

At the Authority's May 7, 2009 Board meeting, Mr. Larry Ascera of the Green Tech Power Group presented a proposal for the construction and operation of a solar facility at the closed landfill site (Site), owned by the Authority. The Board expressed its interest in pursuing this opportunity. Today's Public Hearing is in response to that interest.

Should the Board find that the project proposed by Green Tech Power Group is an appropriate use of the Site, Resolution #09-10 has been drafted for adoption making the required findings and authorizations related to the Project.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable

BACKGROUND AND DISCUSSION

At the Authority's May 7, 2009 Board meeting, Mr. Larry Ascera of the Green Tech Power Group presented a proposal for the construction and operation of a solar facility at the closed landfill site (Site), owned by the Authority. The Board expressed its interest in pursuing this opportunity. Today's Public Hearing is in response to that interest.

The Public Hearing must determine if an Exclusive Right to Negotiate (ERN) for a ground lease and project agreement for a solar power facility, is an appropriate use under the provisions of Energy Conservation Contracts pursuant to Chapter 3.2 of Division 5 of Title 1 of the Government Code (commencing with Section 4217.10). A portion of the Site would be leased to the Green Tech Power Group and the facility would qualify as an energy conservation facility, and the lease would qualify as a facility ground lease under applicable provisions of the Government Code. This would benefit the Authority by providing lease revenues and the provision of power through a qualifying energy services contract, at favorable rates to the Authority, and potentially to its member jurisdictions.

Should the Board find that the project proposed by Green Tech Power Group is an appropriate use of the Site, Resolution #09-10 has been drafted for adoption making the required findings and authorizations related to the Project.

SUPPORTING DOCUMENTS

- A . Public Hearing Notice
- B . Project Description
- C . ERN Agreement
- D . Resolution #09-10

Manager: Approve
Reviewed By: Martha Burdick