

**MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS**

Date: **MARCH 8, 2011**

From:  **JAMES DURFEE / JOEL SWIFT** 

Subject: **MUNICIPAL OPERATIONS ENERGY PLAN – MEMORANDUM OF UNDERSTANDING WITH SIERRA BUSINESS COUNCIL**

ACTION REQUESTED/RECOMMENDATION: Adopt a Resolution delegating authority to the Director of Facility Services, or his designee, to sign a Memorandum of Understanding (MOU) with the Sierra Business Council (SBC) to prepare an Energy Plan for the County of Placer through the Sierra Nevada Energy Watch program.

BACKGROUND: Sierra Nevada Energy Watch is the Local Government Partner serving 14 counties in the Sierra Nevada in the PG&E service area, including Placer County. SBC has been engaged by PG&E to manage this Local Government Partnership. Each of the Local Government Partnerships across the state has selected strategies from the California Energy Efficiency Strategic Plan (CEESP) which can meet the needs of their region, addressing their unique circumstances, constituencies and levels of commitment and capacity in energy efficiency. One of the CEESP strategies selected by the Sierra Nevada Energy Watch is to assist selected counties in developing an Energy Plan. The goals of this strategy include engaging local governments in short and long range energy efficiency planning, building the energy skills of municipal staff, and developing efficient energy standards and policies for new and existing municipal facilities.

Placer County has been engaged in proactive energy efficiency activities including audits and equipment retrofits, retrocommissioning studies, benchmarking of facilities, peak day pricing considerations, and current participation in the Green Communities Program (also a PG&E and Sierra Business Council Partnership) to inventory greenhouse gas emissions for municipal operations. With the experience and data collected in these initiatives, Placer County will be well positioned to move forward in the development of a strategic Energy Plan. The Energy Plan will provide the County with the framework for setting and achieving goals related to energy efficiency retrofits, renewable energy considerations, carbon reduction, funding of energy investments and energy related strategies.

ENVIRONMENTAL CLEARANCE: Preparation of the Energy Plan is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) which exempts projects that have no potential to cause a significant effect on the environment.

FISCAL IMPACT: There are no direct costs to the County associated with development of the Energy Plan. Work performed by Sierra Business Council for this project will be billed to and paid directly by PG&E as part of the Sierra Nevada Energy Watch Program, which is funded by California utility ratepayers. With the Board's authorization to participate, the County would commit in-kind staff hours to assist with the development of the Energy Plan.

JD:JS:SH

ATTACHMENT: RESOLUTION
MOU

CC: COUNTY EXECUTIVE OFFICE
PROCUREMENT

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Before the Board of Supervisors County of Placer, State of California

In the matter of: A RESOLUTION AUTHORIZING THE
DIRECTOR OF FACILITY SERVICES, OR HIS DESIGNEE,
TO SIGN A MEMORANDUM OF UNDERSTANDING WITH
THE SIERRA BUSINESS COUNCIL.

Resol. _____

The following RESOLUTION was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____,
by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:

Clerk of said Board

BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Placer, State of California, that this Board delegates authority to the Director of Facility Services, or his designee, to sign a Memorandum of Understanding (MOU) with the Sierra Business Council (SBC) to prepare an Energy Plan for the County of Placer through the Sierra Nevada Energy Watch program.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF PLACER AND THE SIERRA BUSINESS COUNCIL

WHEREAS, the Sierra Business Council proposes to assist Placer County in developing an Energy Plan for Municipal Operations by working with Placer County: to gather and report on available energy related data and past actions; to convene a County staff/official(s) working group to inform the content of the Plan; to engage the public in understanding and informing the planning effort; and to write the Plan.

WHEREAS, Sierra Business Council's work is supported by the Pacific Gas and Electric Company's Sierra Nevada Energy Watch-Strategic Plan Program, a program funded by California utility customers and administered by the Pacific Gas and Electric Company under the auspices of the California Public Utilities Commission, and

WHEREAS, participation in the Sierra Nevada Energy Watch-Strategic Plan Program as administered through the Sierra Business Council will provide the County of Placer, at minimal cost and commitment of staff resources, with a strategic energy plan that will provide a framework for setting and achieving goals related to energy efficiency retrofits, renewable energy considerations, greenhouse gas emissions reduction, funding of energy investments and energy related organizational strategies, and

WHEREAS, the County of Placer desires to participate in the Sierra Nevada Energy Watch-Strategic Plan Program on the terms and conditions as set forth in the Memorandum of Understanding,

NOW, THEREFORE, the County of Placer and Sierra Business Council hereby agree in this Memorandum of Understanding as follows:

SECTION ONE SIERRA BUSINESS COUNCIL RESPONSIBILITIES

The Sierra Business Council shall:

- Assist with gathering data on current energy usage and actions taken since 2005
- Organize data and develop report on current energy usage and actions taken
- Develop materials for and lead up to three County staff/official(s) working group meetings
- Develop outline of energy plan
- Organize, publicize and lead one public workshop
- Write draft Energy Plan
- Write final Energy Plan
- Assist with presentation to Board of Supervisors

SECTION TWO COUNTY RESPONSIBILITIES

The County shall:

- Assist with gathering data on current energy usage and actions taken since 2005
- Designate County staff/official(s) working group members and arrange and host up to three meetings
- Review outline of energy plan
- Host and participate in public workshop

- Review draft Energy Plan
- Receive and accept final Energy Plan
- Be responsible for preparation of any necessary environmental documentation

SECTION THREE EMPLOYEES AND COSTS

All persons performing services in connection with this Memorandum which are associated with, retained by or employed by Sierra Business Council shall be independent contractors of or employees of Sierra Business Council and not employees of the County of Placer. Sierra Business Council shall be solely responsible for the salaries and other applicable benefits, including Worker's Compensation, of all such personnel. The County of Placer shall be solely responsible for the salaries and other applicable benefits, including Worker's Compensation, of all County personnel.

Each party hereto shall bear any and all costs and expenses of furnish facilities, equipment, and other materials which may be required for performing its responsibilities as described in Sections 1 and 2, above.

SECTION FOUR MUTUAL INDEMNIFICATION

Sierra Business Council shall indemnify, defend and hold harmless the County of Placer and its elected and appointed officials, employees, agents and contractors from and against any and all loss, liability, cost, claim, cause of action, judgment, expense, (including reasonable attorneys' fees) or damage arising from, or related to, Sierra Business Council's performance of its obligations pursuant to this Memorandum, except to the extent the same are attributable to the gross negligence or willful misconduct of the County.

County of Placer shall indemnify, defend and hold harmless Sierra Business Council and its employees, agents and contractors from and against any and all loss, liability, cost, claim, cause of action, judgment, expense, (including reasonable attorneys' fees) or damage arising from or related to County's performance of its obligations pursuant to this Memorandum, except to the extent the same are attributable to the gross negligence or willful misconduct of Sierra Business Council.

SECTION FIVE TERMINATION

This Memorandum may be terminated by either party at any time without cause by providing the other party ten (10) days written notice.

SECTION SIX NOTICE

Any notice required to be given hereunder shall be in writing and deemed given when personally delivered or deposited in the mail, postage prepaid, and addressed to the parties as follows:

COUNTY OF PLACER:

Placer County Facility Services
 Attn: James Durfee
 11476 C Avenue
 Auburn, CA 95603

Phone: (530) 886-4900
 Fax: (530) 889-6809

SIERRA BUSINESS COUNCIL:

Greg Jones
 P.O. Box 2428
 Truckee, CA 96160

Phone: (530) 582-4800
 Fax: (530) 582-1230

Any notice so delivered personally shall be deemed to be received on the date of delivery, and any notice mailed shall be deemed to be received five (5) days after the date on which it was mailed.

SECTION SEVEN ENTIRE AGREEMENT

This Memorandum contains the entire agreement of County and Sierra Business Council with respect to the subject matter hereof, and no other agreement, statement, or promise made by any party, or to any employee, officer, or agent of any party, which is not contained in this Memorandum shall be binding or valid.

IN WITNESS WHEREOF, the County of Placer and Sierra Business Council have authorized execution of this Memorandum of Understanding on the dates set forth below.

SIERRA BUSINESS COUNCIL

PLACER COUNTY

BY: _____
Greg Jones
Vice President
Sierra Business Council

By: _____
James Durfee, Director
Facility Services

Dated: _____

Dated: _____

ATTEST:

BY: _____
ANN HOLMAN
Clerk of the Board

APPROVED AS TO FORM:

BY: _____
County Counsel

