CITY OF MOAB RESOLUTION NO. 55-2018

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH ROCKY MOUNTAIN POWER REGARDING THE CONSTRUCTION AND OPERATION OF BLUE SKY SOLAR ARRAY PROJECTS

WHEREAS, the City of Moab ("City") has set ambitious renewable energy goals for both municipal functions and the community as a whole; and

WHEREAS, Rocky Mountain Power ("RMP") and the City desire to facilitate the location and construction of photovoltaic arrays at certain locations within the City.

THEREFORE, be it resolved that the City of Moab City Council hereby approves this Resolution authorizing the City Manager to sign the attached MOU on behalf of the City to effectuate that desire.

This Resolution shall take effect immediately.

Passed and approved by action of the Governing Body of the City of Moab in open session on this 11th day of December, 2018.

SIGNED:

Emily S. Nichaus, Mayor

ATTEST:

Rachel Stenta, City Recorder
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MOAB, UTAH AND ROCKY MOUNTAIN POWER REGARDING THE CONSTRUCTION AND OPERATION OF BLUE SKY SOLAR ARRAY PROJECTS

THIS MEMORANDUM OF UNDERSTANDING (this “MOU”), entered into this 11th day of December, 2018, is between the City of Moab (“City”) and PacifiCorp, an Oregon corporation doing business as Rocky Mountain Power (“RMP”). City and RMP are sometimes hereinafter referred to collectively as the “Parties” and individually as a “Party.”

Pursuant to the Joint Clean Energy Cooperation Statement between RMP and the City and in accordance with Rocky Mountain Power’s Blue Sky Program\(^1\), RMP proposes to work with the City to construct a solar production facility (the “Production Facility”) and a separate solar net-metered facility (the “Net-Metered Facility”) that will be used to generate renewable energy. The Production Facility shall be owned by RMP and be located on City property. The Net-Metered Facility shall be owned by the City and be located on City property. The Production Facility and Net-Metered Facility will provide new renewable generation resources for RMP’s customers, including customers within the City, and will create a visible display of the Parties’ commitment to developing and sustaining renewable energy sources.

RMP will build the Production Facility and Net-Metered Facility, both of which will include ground-mount solar photovoltaic arrays. A more detailed design will be completed to determine the proposed power capacity for both facilities that can be produced within the surface area made available by the City and the funds available under the Blue Sky Program.

The Production Facility will be owned, operated and maintained by RMP, and will interconnect with and deliver energy to the local distribution system that supplies Moab city for the benefit of RMP’s customers. The separate Net-Metered Facility will be constructed near the City’s Wastewater Treatment Plant using Blue Sky funds and will be owned, operated and maintained by the City. The generation from the Net-Metered Facility will be dedicated to the Wastewater Treatment Plant and will be net-metered under RMP’s Schedule 136, Transition Program for Customer Generators.

RMP will be responsible for:
- Design, installation and commissioning of the Production Facility and Net-Metered Facility, including all costs related to the same. The projects will be built to RMP technical standards and will be procured and constructed through a competitively bid process administered by RMP.
- Operations and maintenance of the Production Facility.
- Risk of loss, insurance and any applicable taxes, including indemnification of City for any damage to the City’s property resulting from the installation and/or operation of the Production Facility.
- Installing additional fencing to secure the Production Facility if RMP deems necessary.
- Coordinating with the City regarding public engagement and notifying local residents.
- Design and installation of signage promoting the partnership between the City and RMP.

\(^1\) See [https://www.rockymountainpower.net/env/bsre/bscp/eligibility.html](https://www.rockymountainpower.net/env/bsre/bscp/eligibility.html) and [https://psc.utah.gov/electric/blue-sky-program-information/](https://psc.utah.gov/electric/blue-sky-program-information/)
• Removing the Production Facility at the termination of the lease (or future leases) or at the end of the useful life of the Production Facility, whichever occurs soonest, or transferring the asset to the City.

The City will provide:
• A twenty-year lease for the Production Facility on City property subject to the terms and conditions in a lease agreement between the parties.
• Coordination and facilitation for the design, construction and commissioning of the Production Facility and any associated interconnection facility.
• Support for any needed public engagement.
• Access to the Net-Metered Facility site for necessary construction and installation activities.
• Operations and maintenance of the Net-Metered Facility.
• A mutually agreed upon location for Blue Sky signage, subject to applicable local, state, and federal regulations.

Expected Milestones
• Lease signed by both parties: December 31, 2018
• Production Facility Construction Started: no later than 12 months after both parties sign the Lease
• Net-Metered Facility Construction Started: no later than 12 months after the parties sign the MOU.

By signing below, the parties indicate their willingness to collaborate on the projects described above.

Rocky Mountain Power, Debra Dull

City of Moab, City Manager David Everitt

City Recorder, Rachel Stenta

Date: 11 December 2018

Date: 13 December 2018

Date: 12-18-18