

SILICON VALLEY CLEAN ENERGY AUTHORITY

RESOLUTION NO. 2021-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE THE UNITED STATES DEPARTMENT OF ENERGY WESTERN AREA POWER ADMINISTRATION SIERRA NEVADA REGION CONTRACT FOR ELECTRIC SERVICE BASE RESOURCE AND TO EXECUTE SUCH OTHER ANCILLARY DOCUMENTS AS MAY BE NECESSARY

THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the Silicon Valley Clean Energy Authority (“SVCE”) was formed on March 31, 2016, pursuant to a Joint Powers Agreement to promote, develop, conduct, operate, and manage energy programs in Santa Clara County;

WHEREAS, SVCE is purchasing energy, renewable energy, carbon free energy, and related products and services (the “Products”);

WHEREAS, the Western Area Power Administration (“WAPA”) markets the surplus generation from the Central Valley Project (“CVP”).

WHEREAS, On August 15, 2017, WAPA’s final 2025 Power Marketing Plan (“Marketing Plan”) was published in the Federal Register (82 FR 38675) followed by a call for applications.

WHEREAS, The Marketing Plan sets forth how WAPA’s Sierra Nevada Region will market the power generated from the CVP and Washoe Project.

WHEREAS, SVCE applied to be a Base Resource Customer (“Customer”) and in June 2019 was awarded an annual allocation of 0.32467% (“Allocation”) or approximately 10,850 megawatt hours (“MWh”) under WAPA’s Final 2025 Resource Pool Applications published in the Federal Register (84 FR 28039).

WHEREAS, SVCE desires to purchase and WAPA is willing to provide SVCE the Allocation measured as a percentage of the Base Resource consistent with the Marketing Plan and the terms and conditions of the Western Base Resource Contract (the “Contract”) for a thirty-year term effective January 1, 2025.

WHEREAS, Under the Marketing Plan, SVCE will have the option to reduce its Allocation or terminate the Contract for any reason provided that WAPA is notified no later than June 30, 2024.

WHEREAS, if SVCE does not terminate, WAPA will require that SVCE schedule power in accordance with applicable operating requirements, including

those of the balancing authority area operator and WAPA's sub-balancing authority area requirements.

WHEREAS, the Contract is provided as a take-or-pay for which SVCE will receive its Allocation of Product based on availability and will be obligated to pay its share of revenue requirements which will vary but is not expected to be more than \$400,000 per year.

WHEREAS, the Board wishes to enter into the Contract and delegate to the Chief Executive Officer the authority to execute the Contract before March 16, 2021.

WHEREAS, the Board also wishes to delegate to the Chief Executive Officer the authority to do all things necessary or appropriate for the execution and delivery of, and the performance of SVCE's obligations under, the Western Base Resource Contract.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The Board hereby authorizes the Chief Executive Officer to execute the Western Base Resource Contract with WAPA as presented to the Board and approved as to form by the General Counsel. The annual cost of the Contract is expected to be no more than \$400,000 but this annual cost may vary.

Section 2. The Board hereby authorizes the Chief Executive Officer to negotiate, enter into and deliver, and to do all things necessary or appropriate for the execution and delivery of, and the performance of SVCE's obligations under, the Contract (including any other instruments, documents, certificates and agreements executed by SVCE in connection therewith) and such other ancillary documents, as may be necessary to effectuate purchase of such power from WAPA.

Section 3. The Chief Executive Officer shall assess the value of the Contract in 2024 and if deemed not needed or no longer of value to SVCE, the Chief Executive Officer shall return to the Board prior to June 30, 2024 to seek authority to reduce SVCE's Allocation or terminate the Contract.

PASSED AND ADOPTED this 10th day of February, 2021, by the following vote:

JURISDICTION	NAME	AYE	NO	ABSTAIN	ABSENT
City of Campbell	Director Gibbons	✓			
City of Cupertino	Director Willey	✓			
City of Gilroy	Director Hilton	✓			
City of Los Altos	Director Fligor	✓			
Town of Los Altos Hills	Director Tyson	✓			
Town of Los Gatos	Director Rennie	✓			
City of Milpitas	Director Chua	✓			
City of Monte Sereno	Director Ellahie	✓			
City of Morgan Hill	Director Martinez Beltran	✓			
City of Mountain View	Director Abe-Koga	✓			
County of Santa Clara	Director Ellenberg	✓			
City of Saratoga	Director Walia	✓			
City of Sunnyvale	Director Larsson	✓			

DocuSigned by:
Margaret Abe-Koga
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Chair

ATTEST:

DocuSigned by:
Andrea Pizano
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Clerk