

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING CITY MANAGER TO SUBMIT AND EXECUTE GRANT DOCUMENTS APPROVING SUBMITTAL OF ENERGY ECONOMIC STIMULUS GRANT APPLICATION AND AUTHORIZING CITY MANAGER TO IMPLEMENT GRANT PROGRAM**

**WHEREAS**, the U.S. Department of Energy (hereinafter referred to as “DOE”) has issued a Notice of Funding Available for the Energy Efficiency and Conservation Block Grant Program (EECBG) established under the American Recovery and Reinvestment Act of 2009, Public Law 111-5; and

**WHEREAS**, the purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency; and

**WHEREAS**, the City of Milpitas, a public agency in the State of California, has been notified that it is eligible to receive up to \$662,400 under the Energy Efficiency and Conservation Block Grant Program; and

**WHEREAS**, the City of Milpitas wishes to participate in the EECBG program and receive up to \$662,400 in accordance with program guidelines.

**NOW, THEREFORE**, the City Council hereby finds, determines and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. City Manager is directed to submit to DOE an application to participate in the Energy Efficiency and Conservation Block Grant Program in response to the Financial Assistance Funding Opportunity Announcement issued on March 26, 2009, which will request a funding allocation in the amount of \$662,400 for the following activities:
  - a. Development of an Energy Efficiency and Conservation Strategy (Strategy). This mandatory Strategy will evaluate and prioritize several possible programs and projects in accordance with the DOE guidelines. Evaluations include estimates of energy savings, energy production, project budgets, cost and benefit analysis, job creation, climate change impact calculations, and a description of how EECBG funds will be leveraged with other resources. Upon DOE approval of the Strategy, staff will implement as many approved projects as possible.
3. The City of Milpitas hereby agrees to use the Energy Efficiency and Conservation Block Grant Program funds for eligible activities in the manner presented in the application as approved by DOE and in accordance with program guidelines and applicable law.
4. The City of Milpitas authorizes the City Manager or his designee to execute in the name of City of Milpitas the application, the Standard Agreement, and all other documents required by DOE for participation in the Energy Efficiency and Conservation Block Grant Program.
5. The City of Milpitas authorizes the City Manager or his designee to receive funding based on Title V, Subtitle E, Energy Efficiency and Conservation Block Grants, Sections 541(3)(A) or 541(3)(B) of EISA 2007, Public Law 110-140 and implement the EECBG Program on behalf of the City of Milpitas.
6. The City of Milpitas certifies that all laborers and mechanics on projects funded directly by or assisted in whole or in part by and through funding appropriated by the American Recovery and

Reinvestment Act of 2009 will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by subchapter IV of Chapter 31 of title 40, United States Code (Davis-Bacon Act).

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Pete McHugh, Vice Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney