



12/16/2025
City Council Regular/ Special
Meeting

Handouts received after
agenda posted

RESOLUTION NO. 2025-36

**AUTHORIZATION OF AGREEMENTS FOR ENERGY CONSERVATION SERVICES WITH
PACIFICWEST ENERGY SOLUTIONS, INC. DBA ENERGY SYSTEMS GROUP
PACIFICWEST (“PACIFICWEST”) AND ASSOCIATED FINANCING AGREEMENT WITH
BANC OF AMERICA PUBLIC CAPITAL CORP PURSUANT TO GOVERNMENT CODE
SECTION 4217.10-18, ET SEQ., MAKING CERTAIN FINDINGS REQUIRED THEREFORE,
AND AUTHORIZING RELATED ACTIONS.**

RECITALS

WHEREAS, The City of Lemoore (“City”), California, finds it to be in the best interest of the City to implement projects to promote energy efficiency and renewable energy to achieve utility budget cost reductions;

WHEREAS, Government Code section 4217.10 through 4217.18 authorize the City’s governing board (the “City Council”) to enter into one or more energy service contracts with any person or entity if the City Council finds that the anticipated cost to the City for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost the City of thermal, electrical, or other energy that would have been consumed the City in the absence of those energy serviced contracts (“Savings”);

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize the City Council to enter into one or more facility financing contracts if the City Council finds that funds for the repayment thereof are projected to be available from the Savings, representing funds that otherwise would have been used for purchase of electrical, thermal, or other energy required by the City in the absence of the energy conservation services and facilities financed by proceeds available through the facility financing contracts;

WHEREAS, Government Code sections 4217.10 through 4217.18 require that a public hearing be held, and public comment be taken, at a regularly scheduled meeting of the City Council at which meeting the City Council may consider and adopt the findings described herein and award energy services contracts and facility financing contracts based thereon, and that notice thereof be must given at least two weeks prior to the meeting;

WHEREAS, the City gave notice of its intent to conduct a public hearing and take public comment upon the subject matter of this Resolution two weeks prior to the regularly scheduled public meeting of the City Council at which the City Council has held a public hearing and taken public comment and has now considered this Resolution, all as required under Government Code sections 4217.10 through 4217.18;

WHEREAS, the City Council and City staff reviewed the qualifications presented by Pacificwest Energy Solutions, Inc. DbA Energy Systems Group Pacificwest (“Pacificwest”) to provide assessment and implement improvements for energy consumption and infrastructure in order to reduce energy expenses, and found PacificWest's qualifications to appear bona fide and adequate;

WHEREAS, PacificWest assessed the feasibility of various potential energy conservation measures to reduce the City's energy consumption and expense and recommended specific energy conservation measures based thereon ("Analysis" as set forth in **Exhibit B**), upon which the City Council and City staff have relied;

WHEREAS, PacificWest has offered to enter into the Guaranteed Energy Savings Performance Contract ("Energy Services Contract,") to provide design/build implementation of the recommended energy conservation measures for the price stated therein to provide annual reporting and a savings performance guarantee;

WHEREAS, the Analysis demonstrates that the cost for energy conservation services provided under the Energy Services Contract is less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence energy conservation services ("Savings");

WHEREAS, Banc of America Public Capital Corp or its affiliate has offered to enter into an Finance Agreement ("Finance Agreement,") between the City and Banc of America Public Capital Corp or its affiliate ("Bank of America");

WHEREAS, Banc of America Public Capital Corp or its affiliate has offered to enter into the Finance Agreement and together with the Energy Services Contract ("PacificWest Agreement") under terms that are beneficial to the City;

WHEREAS, the Analysis indicates that funds for the repayment of lease payments under the Finance Agreement are anticipated to be available from the Savings, representing funds that otherwise would have been used for purchase of electrical, thermal, or other energy required by the City in the absence of the energy conservation services provided under the PacificWest Agreement; and

WHEREAS, in accordance with Government Code Section 5852.1, the City Council has obtained and disclosed the information set forth in **Exhibit A** hereto.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Lemoore as follows:

Section 1. Recitals. All of the recitals herein contained are true and correct.

Section 2. PacificWest Agreement Findings. The City Council finds that the anticipated cost to the City for thermal or electrical energy or conservation services provided by the energy conservation facility under the PacificWest Agreement will be less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of those energy service contracts and that it is in the best interest of the City to approve and enter into the PacificWest Agreement.

Section 3. PacificWest Agreement Approval. The forms of the PacificWest Agreement by and between the City and PacificWest, in the forms on file with the City Clerk, are hereby approved, with such changes thereto, deletions therefrom and additions or modifications

thereto as may be approved pursuant to Section 6 hereof.

Section 4. Finance Agreement Findings. The City Council finds that funds for the repayment of payments under the Finance Agreement are projected to be available from the Savings, representing funds that otherwise would have been used for purchase of electrical, thermal, or other energy required by the City in the absence of the energy conservation services, and that it is in the best interest of the City to approve and enter into the Financing Agreement.

Section 5. Financing Agreement Approval. The forms of the Finance Agreement, in the forms on file with the City Clerk, are hereby approved, with such changes thereto, deletions therefrom and additions or modifications thereto as may be approved pursuant to Section 6 hereof.

Section 6. Execution and Delivery. Any one duly authorized by the City Manager, or any deputy thereof, or person duly appointed in writing to act in the stead of such officer (collectively, the “Responsible Officers”), is hereby authorized and directed for and in the name of and on behalf of the City to execute and deliver the PacificWest Agreement and the Financing Agreement, each in substantially the form presented to and considered at this meeting, with such changes therein, deletions therefrom and additions thereto as may be approved (i) by any Responsible Officer, in such person’s discretion, as being in the best interests of the City and, (ii) as to form, by City Attorney; such approval to be conclusively evidenced by the execution and delivery thereof by the person executing the same on behalf of the City.

Section 7. Further Actions. The Responsible Officers are, and each of them acting alone is, hereby authorized and directed to take such actions and to execute such documents and certificates as may be necessary to effectuate the purposes of this resolution, including the execution and delivery of the PacificWest Agreement and the Financing Agreement, and execution and delivery of any and all memorandums of agreement or understanding, assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, deem necessary or advisable in order to consummate the transactions and requirements as described herein.

Section 8. Ratification. All actions heretofore taken by any officer of the City with respect to the execution and delivery of PacificWest Agreement and the Financing Agreement, and the financing of the projects described therein are hereby approved, confirmed and ratified.

Section 9. Certified Copies. The City Clerk shall transmit certified copies of this to the following:

And

Section 10. Effective Date. This Resolution shall take effect upon adoption.

RESOLUTION NO. 2025-36

The foregoing resolution was introduced, approved and adopted at a regular meeting of the City Council of the City of Lemoore held on the 16th day of December 2025, by the following vote, to wit:

AYES: Gornick, Cruz, Lyons, Brewster, Matthews

NOES: None

ABSENT: None

ABSTAINING: None

ATTEST:

APPROVED:

Marisa Avalos

City Clerk

Patricia Matthews

Mayor

Exhibits to Follow.

EXHIBIT A

GOVERNMENT CODE SECTION 5852.1 DISCLOSURE

The following information consists of estimates that have been provided by Banc of America Public Capital Corp as required by Section 5821.1 of the California Government Code, which has been provided to the City in good faith:

- (A) True interest cost of the Finance Agreement ("Lease"): [REDACTED] %
- (B) Finance charge of the Lease (sum of all costs of issuance and fees/charges paid to third parties): \$ [REDACTED]
- (C) Net proceeds to be received (net of finance charges, reserves and capitalized interest, if any): \$ [REDACTED]

Total payment amount through maturity: \$ [REDACTED]

EXHIBIT B

SEE ATTACHED ANALYSIS