

RESOLUTION NO. 2026-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING FINDINGS UNDER GOVERNMENT CODE SECTIONS 4217.10-4217.18 FOR A SOLAR PHOTOVOLTAIC (PV) AND BATTERY ENERGY STORAGE SYSTEM (BESS) FOR THE PALOMARES PARK SENIOR CENTER AND APPROVE ENTERING INTO AN ENERGY SERVICES CONTRACT WITH PARTICIPATE ENERGY, LLC

WHEREAS, it is the policy of the State of California and the intent of the State Legislature to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources;

WHEREAS, the City of Pomona desires to reduce energy costs at its facilities;

WHEREAS, as part of the Pomona Activated for Community Transformation and Sustainability (ACTS) grant program from the Strategic Growth Council's Transformative Climate Communities (TCC), the City is pursuing a Community Resilience Center at the Senior Center at Palomares Park that includes a photovoltaic (PV) and battery energy storage system (BESS);

WHEREAS, Government Code Sections 4217.10-4217.18 authorizes local governments and public agencies to implement energy conservation-related improvements if the Governing Board finds that it is in the best interest of the City to enter into such energy service contracts and that the anticipated cost to the public agency for thermal or electrical energy conservation services to be provided under the energy services contract will be less than the anticipated marginal cost to the public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases;

WHEREAS, the Community Resilience Center will be funded by the Pomona ACTS grant;

WHEREAS, the City Council of the City of Pomona has received and reviewed information and data provided by Staff, The Energy Coalition serving as the Pomona ACTS grant lead, staff report, and hereby determines that the anticipated cost to the City for energy conservation services to be provided by the Contractor for the Project will be less than the anticipated marginal cost to the City of Pomona of thermal, electrical, or other energy that would have been consumed by the City of Pomona in the absence of those purchases;

WHEREAS, pursuant to Government Code section 4217.12, a public hearing was held on Monday, March 16, 2026 at the regular meeting of the City Council, of which public notice was given two weeks in advance, to receive public comment;

WHEREAS, the City Council authorizes the City of Pomona staff to enter into an Energy Services Contract with Participate Energy, LLC that requires the anticipated cost to the City of Pomona for energy conservation services to be provided by Participate Energy, LLC for the Community Resilience Center will be less than the anticipated marginal cost to the City of Pomona of

thermal, electrical, or other energy that would have been consumed by the City of Pomona in the absence of the Community Resilience Center;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The City Council finds and determines that all of the recitals set forth above are true and correct.

SECTION 2. The City Council finds that, based on information and data provided by Staff, The Energy Coalition serving as the Pomona ACTS grant lead, staff report, and testimony at the public hearing, the anticipated cost to the City of Pomona for thermal or electrical energy or conservation services to be provided by the Community Resilience Center will be less than the anticipated marginal cost to the City of Pomona of thermal, electrical, or other energy that would have been consumed by the City of Pomona in the absence of implementing the Community Resilience Center.

SECTION 3. The City Council finds that it is in the best interest of the City of Pomona to enter into an Energy Services Contract with Participate Energy, LLC in accordance with this Resolution.

SECTION 4. The City Council authorizes the City Manager to enter into an Energy Services Contract with Participate Energy, LLC that meets the requirements of Government Code Sections 4217.10-4217.18 and this Resolution, and to take any action to otherwise carry out the intent of this Resolution, following the City Council's adoption of this Resolution.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 16th day of March, 2026

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

ATTEST:

Sonia Carvalho
City Attorney

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on March 16, 2026 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk