

**RESOLUTION NO. 25-26-\*\***

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH  
SCHNEIDER ELECTRIC BUILDINGS, INC. FOR DESIGN-BUILD SERVICES  
REGARDING THE CITY WASTEWATER TREATMENT PLANT AND MAKING  
FINDINGS IN DETERMINING THAT EXECUTION OF THIS AGREEMENT IS IN  
THE BEST INTERESTS OF THE CITY**

**WHEREAS**, California Government Code section 37103 authorizes cities to contract with any specially trained and experienced person, firm, or corporation for special service and advice in financial, economic, accounting, engineering, legal, or administrative matters;

**WHEREAS**, more specifically, California Government Code section 4217.10 et seq. authorizes local agencies to develop energy conservation, cogeneration, and alternate energy supply sources at agency facilities;

**WHEREAS**, to achieve these public benefits, the City desires to engage a single design-build entity to engineer and implement the a design-build energy services contract for the City's wastewater treatment plant ("WWTP");

**WHEREAS**, following the administration of a competitive request-for-proposal process, conducted consistently with Government Code section 4217.16, the City has identified Schneider Electric Buildings, Inc. ("Schneider") as best qualified to provide design-build services to the City regarding the WWTP;

**WHEREAS**, the City has negotiated a design-build agreement with Schneider that will provide for a three-phase scope of work;

**WHEREAS**, the City provided notice of a public hearing regarding the approval of this agreement as required by Government Code section 4217.12;

**WHEREAS**, the City duly held a public hearing regarding approval of the agreement and the making of the below findings on September 15, 2025;

**WHEREAS**, after holding the required public hearing, the City Council finds and determines that execution of this agreement is in the City's best interests because the anticipated cost to the City for thermal or electrical energy or conservation services provided by the WWTP under the 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 purchases;

**WHEREAS**, in making the foregoing finding, the City Council relied upon all available sources of projections as provided in Government Code section 4217.15;

**WHEREAS**, the City Council further finds and determines that the approval of an agreement with Schneider is not a project under the California Environmental Quality Act ("CEQA") because it can be determined under the "Common Sense" Exemption (14 Cal. Code Regs., § 15061(b)(3)) that approval of the agreement would have no potential impact on the environment; and

**WHEREAS**, the City Council further finds and determines that approval of the agreement is subject to the Class One, or Existing Facilities, Exemption under CEQA (14 Cal. Code Regs.,

§ 15361), as any modifications or changes to the WWTD would have no potential environmental impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Sutter Creek authorizes the City Manager to execute the Design-Build Energy Services Contract for the Wastewater Treatment and Energy Related Capital Improvements Project attached as **Exhibit A** to this Resolution (“The Agreement”).

**BE IT FURTHER RESOLVED** that the City Council of the City of Sutter Creek authorizes, in accordance with Government Code section 4217.14, the execution of contracts for electricity, electrical generating capacity, or thermal energy as specified in the Agreement.

The foregoing resolution was duly passed and adopted at a regular meeting of the City Council of the City of Sutter Creek on the 15th day of September, 2025 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Claire Gunselman Mayor

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Aaron Wolcott, City Clerk