

Resolution No. 17/18-33

RESOLUTION OF THE BOARD OF EDUCATION OF
WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
APPROVING AGREEMENT FOR ENERGY
CONSERVATION SERVICES PURSUANT TO
GOVERNMENT CODE SECTION 4217.10-18, MAKING
CERTAIN FINDINGS REQUIRED THEREFORE

WHEREAS, the William S. Hart Union High School District ("District") finds it to be in the best interests of the District to implement projects to promote energy efficiency and renewable energy production to achieve energy cost reductions;

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize the District's Governing Board, without advertising for bids, to enter into one or more energy service contracts with any person or entity, pursuant to which that person or entity will provide electrical or thermal energy or conservation services to the District, which may comprise or include an energy conservation facility, if the anticipated cost to the District for thermal or electrical energy or conservation services provided under the contract(s) is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of those energy service 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 District's Governing Board, at which meeting the District's Governing Board may consider and adopt the findings described herein and award energy services contracts, and that notice thereof be must given at least two weeks prior to the meeting;

WHEREAS, the District gave notice of its intent to conduct a public hearing and take public comment upon the subject matter of this Resolution two weeks prior the regularly scheduled public meeting of the District's Governing Board at which the Governing Board 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, District staff reviewed the qualifications presented by Alliance Building Solutions, Inc., to conduct and provide assessment of School District energy usage, energy needs and opportunities to reduce energy expenses, found Alliance Building Solutions, Inc., qualifications to appear bona fide and adequate;

WHEREAS, Alliance Building Solutions, Inc., assessed the feasibility of various potential energy conservation measures to reduce the District's energy consumption and expense and recommended specific energy conservation measures based thereon ("Analysis," Exhibit A), upon which the Board and District administration and staff have relied;

WHEREAS, Alliance Building Solutions, Inc., has offered to enter into the attached agreements to provide energy conservation services to implement the recommended energy

conservation measures for the price stated therein and to guarantee performance of the energy conservation services (“Contract,” Exhibit B);

WHEREAS, the Analysis demonstrates that the cost of the Contract to the District for the thermal or electrical energy or conservation services provided thereunder is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of the Contract;

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT DOES HEREBY FIND, RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

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

Section 2. Energy Conservation Services Contract Findings. The Governing Board of the William S. Hart Union High School District finds that the cost of the Contract to the District for the thermal or electrical energy or conservation services provided thereunder is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of the Contract and that it is in the best interest of the District to approve and enter into the Contract.

Section 3. Energy Conservation Services Contract Approval. The form of the Contract by and between the District and Alliance, presented herewith is hereby approved. The Superintendent or Superintendent’s designee is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to Alliance the Contract and related documents as necessary to carry out the Contract, subject to such minor changes thereto as such officer or person may require and approve, with the approval of District counsel.

Section 4. Effective Date. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED as of April 18, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

The President of the William S. Hart Union High School District Governing Board does hereby certify that the foregoing is a full, true, and correct copy of the Resolution passed and adopted by the Board at a regularly scheduled and conducted meeting held on this date, which Resolution shall be kept on file in the office of the Board.

President of the Governing Board
William S. Hart Union High School District

The Clerk of the William S. Hart Union High School District Governing Board does hereby certify that the foregoing Resolution was introduced and adopted by the Board of Education at a regularly scheduled meeting thereof held on this date, by the forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the William S. Hart Union High School District on this date.

Clerk of the Governing Board
William S. Hart Union High School District