

Resolution No. 17/18-36

RESOLUTION OF THE BOARD OF EDUCATION OF
WILLIAM S. HART UNION HIGH SCHOOL DISTRICT
APPROVING AGREEMENT FOR ENERGY CONSERVATION
FACILITY FINANCING CONTRACT 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 ("Savings");

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 facility financing contracts if 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 District 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 District's Governing Board, at which meeting the District's Governing Board may consider and adopt the findings described herein and award facility financing contracts based thereon, and that notice thereof must be 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 comments and has now considered this Resolution, all as required under Government Code sections 4217.10 through 4217.18;

WHEREAS, the District's Governing Board previously adopted Resolution No. 17/18- 33, finding that the anticipated cost of an Energy Conservation Facilities Agreement ("ECFA"), offered by Alliance Building Solutions Inc., to the District for thermal or electrical energy or conservation services provided thereunder, was 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 ECFA and that it was in the best interest of the District to approve and enter into the ECFA, which the Board approved and ratified;

WHEREAS, the District has been presented with an Equipment Lease-Purchase Agreement ("Financing Agreement", Exhibit C), between the District, as Lessee, and Holman Capital Corporation, as Lessor, to secure financing of the ECFA under terms beneficial to the District;

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, and found Alliance Building Solutions, Inc., qualified 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, the Analysis demonstrates that the cost of the ECFA 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 ("Savings");

WHEREAS, the Analysis indicates that funds for the repayment of the Financing Agreement are projected to be available from the Savings, which are in excess of the cost of the ECFA, and represent funds that otherwise would have been used for purchase of electrical, thermal, or other energy required by the District in the absence of the energy conservation services and facilities provided under the ECFA and financed by proceeds available through the Financing Agreement;

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. Financing Agreement Findings. The District's Governing Board finds that funds for the repayment of the Financing Agreement are projected to be available from the Savings, which are in excess of the cost of the ECFA, and represent funds that otherwise would have been used for purchase of electrical, thermal, or other energy required by the District in the absence of the energy conservation services and facilities provided under the ECFA and financed by proceeds available through the Financing Agreement.

Section 3. Financing Agreement Approval, Execution, and Delivery. The form of the Financing Agreement by and between the District and Lessor, presented to this meeting and on file with the District is hereby approved, subject to final approval by the Superintendent and District Counsel. 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 Lessor the Financing Agreement and such other financing and related documents as necessary to complete the transaction contemplated by the Financing Agreement with such changes therein as such officer or person may require and approve, such approval to be conclusively evidenced by the execution and delivery thereof.

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

PASSED AND ADOPTED as of May 2, 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.

Mr. Steve Sturgeon
President of the Board of Education
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.

Mr. Bob Jensen
Clerk of the Board of Education
William S. Hart Union High School District