SAN LEANDRO UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 13-60

RESOLUTION ESTABLISHING REQUISITE FINDINGS UNDER GOVERNMENT CODE 4217.10 ET SEQ. REGARDING PROPOSED ENERGY CONSERVATION SERVICES CONTRACT IN THE FORM OF A CONTRACT FOR DESIGN AND CONSTRUCTION WITH SUNPOWER CORPORATION, SYSTEMS AND APPROVING THAT CONTRACT

WHEREAS, SunPower Corporation, Systems ("Design-Builder") has represented to the San Leandro Unified School District ("District") that Design-Builder has developed certain procedures for the design and installation of energy conservation measures as defined in Government Code section 4217.11 ("Energy Conservation Measures"); and

WHEREAS, Design-Builder has analyzed the energy needs of the following public facilities owned and operated by the District:

1. Bancroft Middle School, 1150 Bancroft Ave, San Leandro, CA, 94577
2. San Leandro High School, 2200 Bancroft Ave, San Leandro, CA, 94577; and

(collectively "Facilities") and has represented that Design-Builder's provision of Energy Conservation Measures to the Facilities will result in a reduction in energy consumption or demand that will result in net cost savings to the District ("Cost Savings"). A copy of an energy cost analysis is attached as **Attachment A** and incorporated herein ("Energy Analysis"); and

WHEREAS, based upon the Energy Analysis and presentation by District staff and its consultants, the cost to the District for Design-Builder to provide and install the Energy Conservation Measures will be 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 Energy Conservation Measures; and

WHEREAS, Government Code section 4217.12 (a)(1) authorizes a public agency to enter into an energy service Contract with respect to Energy Conservation Measures if the District's governing board finds that the anticipated cost to the District for the Energy Conservation Measures provided by the energy conservation facility will be less than the anticipated marginal costs to the District of thermal, electrical or other energy that would have been consumed by the District in the absence of such purchases; and

WHEREAS, on this date, pursuant to Government Code section 4217.12, the governing board of the District ("Board") held a public hearing with respect to the District entering into an energy conservation services design and construction contract with Design-Builder ("Contract"). A copy of the form of Contract is attached hereto as **Attachment B** and incorporated herein; and

WHEREAS, the Board has determined that the District payment to Design-Builder is anticipated to be offset by below-market energy purchases or other benefits provided under the terms of the Contract pursuant to Government Code section 4217.12(a)(2); and

WHEREAS, the District desires to retain Design-Builder to provide, install, and maintain the Energy Conservation Measures pursuant to the terms and conditions of the Contract.

NOW, THEREFORE, it is found, determined and resolved by the Board of the District as follows:

1. That the District held a public hearing at a regularly scheduled meeting of the governing board.

2. Based upon reports of staff, reviewed by the Board in connection herewith, and pursuant to Government Code section 4217.12, the Board finds that the anticipated cost to the District for the Energy Conservation Measures provided pursuant to the terms of the Contract will be less than the anticipated marginal costs to the District of thermal, electrical or other energy that would have been consumed by the District in the absence of such purchases, as described in **Attachments A** and **B**.

3. That the District's payment to Design-Builder is anticipated to be offset by below-market energy purchases or other benefits provided under the Contract.

4. It is in the best interests of the District to enter the Contract pursuant to the terms as indicated in the form of Contract attached as **Attachment B**.

5. That the District's superintendent or his designee is authorized to enter into the Contract pursuant to the terms as indicated in the form of Contract attached as **Attachment B**, subject to minor revisions approved by staff and legal counsel that do not alter or reduce the best interest approved in this Resolution and to take all steps and perform all actions necessary to execute and implement that Contract and to take any actions deemed necessary to best protect the interests of the District.

PASSED AND ADOPTED by the Governing Board of Education of the San Leandro Unified School District, this 17th day of December, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

CERTIFICATION

I, _____ Clerk of the Governing Board of Education of the San Leandro Unified School District, Alameda County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of said district at a meeting thereof held on the 17th day of December, 2013, with a copy of the Resolution being on file in the Administrative Office of the District.

_____
Clerk, Board of Education

Attachments:

Attachment A – Energy Analysis
Attachment B – Form of Contract

ATTACHMENT A – Energy Analysis

ATTACHMENT B –Form of Contract