BEFORE THE BOARD OF TRUSTEES
OF THE HARTNELL COMMUNITY COLLEGE DISTRICT
MONTEREY COUNTY, CALIFORNIA

RESOLUTION NO. 18:8

RESOLUTION APPROVING CERTAIN ENERGY CONSERVATION MEASURES
AUTHORIZING THE EXECUTION OF AGREEMENTS, SIGNATORIES
AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH

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; and

WHEREAS, Hartnell Community College District ("District") desires to reduce the steadily rising costs of meeting the energy needs at its facilities; and

WHEREAS, ENGIE Services, U.S. ("ESUS"), has provided the District with an analysis showing the benefits of implementing energy conservation measures through the installation of certain energy management system upgrades (the "Project"), and ESUS' analysis ("Analysis") is attached hereto as Exhibit A and made part hereof by this reference; and

WHEREAS, the District proposes to enter into an energy services contract with ESUS (the "Contract"), pursuant to which ESUS will design, construct and install the Project at the following locations: Buildings B, F, H, M and P at: 411 Central Avenue, Salinas, CA 93901; and

WHEREAS, the Analysis includes data showing that the anticipated cost to the District for the electrical energy provided by the Project will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of those purchases; and

WHEREAS, the Analysis includes data showing that the difference, if any, between the fair rental value for the real property subject to the proposed contracts and the agreed rent, if any, is anticipated to be offset by below-market energy purchases and other benefits provided under the contracts;

WHEREAS, the Board proposes to enter into the energy services contract substantially in the form or his designee reasonably deems necessary following the Board’s adoption of this Resolution; and

WHEREAS, pursuant to Government Code section 4217.12, the Board has held a public hearing, public notice of which was given at least two weeks in advance, to receive public comment; and

NOW, THEREFORE, based upon the above-referenced recitals, the Board hereby finds, determines and orders as follows:

1. The Board finds that the terms of the energy services contract are in the best interests of the District.
2. In accordance with Government Code section 4217.12, and based on data provided by the Analysis, the Board finds that the anticipated cost to the District for electrical energy provided by the Project under the energy services contract will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of those purchases.

3. In accordance with Government Code section 4217.12, and based on the data provided by the Analysis, the Board finds that the difference, if any, between the fair rental value for the District property subject to the proposed agreements and the agreed rent, if any, is anticipated to be offset by below-market energy purchases and other benefits provided under the agreements.

4. The Board hereby approves the energy services contract, which shall be subject to such changes, insertions or omissions as the District’s superintendent/president or his designee reasonably deems necessary.

5. The District’s superintendent/president or designee is hereby authorized and directed to negotiate any further changes, insertions and omissions to the energy services contract as he reasonably deems necessary, and thereafter to execute and deliver said energy services contract following the Board’s adoption of this resolution. The District’s superintendent/president or designee is further authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and said agreements.

The foregoing resolution was adopted at a meeting of the Board of Trustees of the Hartnell Community College District on August 7, 2018, by the following vote:

AYES: DePauw, Donohue, Montemayor, Osorio, Padilla-Chavez, Salazar, Jr.

NOES: None

ABSTAIN: None

ABSENT: None

[Signature]
Manuel M. Osorio
President of the Governing Board of Trustees
Hartnell Community College District

CERTIFIED TO BE A TRUE
AND CORRECT COPY:

[Signature]
Willard Lewallen
Clerk of the Governing Board of Trustees
Hartnell Community College District