

ROWLAND UNIFIED SCHOOL DISTRICT

RESOLUTION NO. AS-20-21:11

**Authorization to Implement Phase IV of the RUSD Energy Infrastructure Modernization Program Pursuant to Government Code Section 4217.10-18, Making Certain Findings Required Therefore, and Authorizing Related Actions**

WHEREAS, the Rowland Unified School District ("District") finds it to be in the best interest of the District to implement projects to promote energy efficiency and sustainability through the modernization of aging infrastructure to improve the indoor air quality of the learning environment and achieve operating budget cost reductions;

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize the District's Governing Board to enter into one or more energy service agreements with any person or entity if the anticipated cost to the District for energy conservation services provided under the agreement 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 agreement ("Savings");

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 agreement based thereon, and that notice thereof be must give 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 to 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, the Board and District staff reviewed the qualifications presented by Climatec LLC to provide design/build services and performance assurance for the energy infrastructure modernizations and found Climatec LLC's qualifications to be bona fide and adequate;

WHEREAS, Climatec LLC developed a long-range energy master plan to address aging infrastructure and promote energy efficiency through multiple phases of work, the first phase of which was implemented successfully in 2017/18 and the second/third phase which was implemented in 2019/20;

WHEREAS, the Board of Education received information presented by District Staff and Climatec LLC at the December 11, 2020, Board Meeting, and such information

("Analysis," Exhibit A) demonstrates that the cost the RUSD Energy Infrastructure Modernization Program is less than the anticipated marginal cost of energy the District would have consumed in the absence of the overall Program;

WHEREAS, Climatec LLC has proposed design/build implementation services ("Agreements," Exhibit B) for the infrastructure modernizations including the replacement of aging HVAC equipment and the implementation of districtwide ionization technology to improve indoor air quality of the learning environment;

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE ROWLAND UNIFIED 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. Adoption of the Required Findings. The District's Board of Education finds that the cost of RUSD Energy Infrastructure Modernization Program 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 Program and that it is in the best interest of the District to approve and enter into the Agreements with Climatec LLC pursuant to Government Code sections 4217.10 through 4217.18.

Section 3. Approval of Agreements for the Energy Conservation Program. The form of the Agreements by and between the District and Climatec LLC, presented herewith is hereby approved, subject to final approval by the Assistant Superintendent, Administrative Services and District Counsel. The Assistant Superintendent, Administrative Services is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to Climatec LLC the Agreements and related documents as necessary for the implementation of the a RUSD Energy Infrastructure Modernization Program.

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

**PASSED AND ADOPTED** as of \_\_\_\_\_, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

The President of the Rowland Unified 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.

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President of the Board of Education  
Rowland Unified School District

The Clerk of the Rowland Unified 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 Rowland Unified School District on this date.

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Clerk of the Board of Education  
Rowland Unified School District