

**BEFORE THE BOARD OF TRUSTEES OF THE
LOS GATOS UNION SCHOOL DISTRICT
RESOLUTION NO. 05-20-21**

**RESOLUTION MAKING FINDINGS ON ENERGY SAVINGS
AND DETERMINING OTHER MATTERS IN CONNECTION WITH
ENERGY SERVICE AGREEMENTS**

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, Los Gatos Union School District (“District”) desires to reduce the rising costs of meeting the energy needs at its facilities; and

WHEREAS, the District proposes to enter into power purchase agreements (“Power Purchase Agreements”) and related contract documents with ForeFront Power, LLC (“Supplier”) for facilities at the District’s real property sites, pursuant to which Power Purchase Agreements Supplier will design, construct, and install on District property solar photovoltaic facilities and arrange with the local utility for interconnection of the facilities, which will generate energy for the sites on which such facilities are located;

WHEREAS, Supplier has provided the District with analysis showing the financial and other benefits of entering into the Power Purchase Agreements, which analysis is attached hereto as Exhibit A and made part hereof by this reference; and

WHEREAS, Exhibit A includes data showing that the anticipated cost to the District for the electrical energy provided by the solar photovoltaic facilities will be less than the anticipated cost to the District of electrical energy that would have been consumed by the District in the absence of such measures; and

WHEREAS, Supplier was the selected vendor for School Project for Utility Rate Reduction’s (“SPURR”) Renewable Energy Aggregated Procurement (“REAP”) Program, a competitive statewide solar request for proposals (“RFP”) process, and the District adopts the REAP Program’s competitive process as its own.

WHEREAS, the District proposes to enter into the Power Purchase Agreements and related contract documents, each in substantially the form presented at this meeting, subject to such changes, insertions or omissions as the Superintendent reasonably deems necessary following the Board’s adoption of this Resolution; and

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

WHEREAS, the Power Purchase Agreements are in the best interests of the District; and

WHEREAS, the District’s proposed approval of the Power Purchase Agreements is a “Project” for purposes of the California Environmental Quality Act (“CEQA”); and

WHEREAS, the Guidelines for CEQA, California Code of Regulations Title 14, Chapter 13 (“State CEQA Guidelines”), exempt certain projects from further CEQA evaluation, including the following: (1) projects consisting of the new construction or conversion of small structures (“Class 3 Exemption”; Cal. Code Regs., tit. 14, § 15303); (2) projects consisting of the construction or placement of minor accessory structures to existing facilities (“Class 11 Exemption”; Cal. Code Regs., tit. 14, § 15311); and (3) projects consisting of minor additions to existing schools (“Class 14 Exemption”; Cal. Code Regs., tit. 14, § 15314), and the Project is categorically exempt under one or more of such exemptions; and

WHEREAS, the Project does not involve any of the following and so is eligible for a categorical exemption as described above under State CEQA Guidelines section 15300.2:

- (a) the cumulative impact of successive projects of the same type in the same place, which over time are significant;
- (b) an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (c) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;
- (d) a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and
- (e) a project which may cause a substantial adverse change in the significance of a historical resource; and

WHEREAS, Public Resources Code, section 21080.35 (added by Stats.2011, c. 469 (S.B.226), § 3), statutorily exempts from CEQA evaluation the installation of a solar energy system, including associated equipment, on the roof of an existing building or at an existing parking lot; and

* * * * *

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

1. The terms of the Power Purchase Agreements and related agreements are in the best interests of the District.

2. In accordance with Government Code section 4217.12, and based on data provided by Exhibit A, the Board finds that the anticipated cost to the District for electrical energy provided by the Power Purchase Agreements will be less than the anticipated cost to the

District of electrical energy that would have been consumed by the District in the absence of the Power Purchase Agreements.

3. The Board hereby approves the Power Purchase Agreements in accordance with Government Code section 4217.12.

4. The District's Superintendent is hereby authorized and directed to negotiate any further changes, insertions and omissions to the Power Purchase Agreements as he reasonably deems necessary, and thereafter to execute and deliver the Power Purchase Agreements following the Board's adoption of this Resolution. The District's Superintendent 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.

5. The Project hereby found to be exempt from the requirements of CEQA pursuant to the Class 3, Class 11 and Class 14 Exemptions, as described above.

6. The Project is hereby found to be exempt from the requirements of CEQA pursuant to Public Resources Code, section 21080.35 (added by Stats.2011, c. 469 (S.B.226), § 3), as described above.

7. District staff are hereby authorized to file and process a Notice of CEQA Exemption for the Project in accordance with CEQA and the State CEQA Guidelines, and the findings set forth in this resolution.

The foregoing Resolution was adopted at a meeting of the Board of Trustees of the Los Gatos Union School District on December 15, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President, Board of Trustees
Los Gatos Union School District

CERTIFIED TO BE A TRUE
AND CORRECT COPY:

Clerk, Board of Trustees
Los Gatos Union School District