

**RESOLUTION OF THE BOARD OF EDUCATION OF
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 93-1617**

**RESOLUTION TO MAKE FINDINGS TO DETERMINE THE BEST INTERESTS OF
THE DISTRICT REQUIRED BY GOVT. CODE § 44217.12 AND APPROVE
CONTRACTS FOR THE DESIGN,
INSTALLATION, AND COMMISSIONING OF ENERGY
CONSERVATION MEASURES (LIGHTING RETROFIT)
(Bayview Elementary, Fairmont Elementary, Hercules Middle and High and Lovonya
DeJean Middle School Sites)**

WHEREAS, Energy Conservation Options and ReGreen (“Design-Builders”) has represented to the West Contra Costa Unified School District (“District”) that Design-Builders have 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-Builders have analyzed the energy needs of the public facilities owned and operated by the District at the Bayview Elementary School, located at 3001 16th Street, San Pablo, CA 94806, Fairmont Elementary School, located at 724 Kearney Street, El Cerrito, CA 94530, Hercules Middle and High School, located at 1900 Refugio Valley Road, Hercules, CA 94547, and Lovonya DeJean Middle School, located at 3400 MacDonald Avenue, Richmond, CA 94805 (collectively “Facilities”), and has represented that Design-Builders’ 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 for each school site is attached as Attachments “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-Builders 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 the Energy Conservation Measures if the District’s Governing Board finds that the anticipated cost to the District for the Energy Conservation Measures 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 at the Facilities in the absence of such purchases; and

WHEREAS, Government Code section 4217.12 (a) authorizes the District to enter into a contract for the Energy Conservation Measures and any necessary related facility ground lease, on terms that its governing board determines are in the best interests of the District; and

WHEREAS, the District has provided proper notice of the public hearing as required by

Government Code section 4217.12 (a) for purposes of receiving public comment on the District's intent to enter into the Contracts; and

WHEREAS, the District has determined that the District's payment to Design-Builders is anticipated to be offset by reduction in energy costs or other benefits provided under the terms of the Contract with the Design-Builders pursuant to Government Code section 4217.12(a)(2); and

WHEREAS, the form of contract for each Design-Builder for the Energy Conservation Measures is attached hereto as Attachments "B" and "B-1" and made a part hereof by this reference; and

WHEREAS, on this date, pursuant to Government Code section 4217.10 et seq., the Governing Board of the District held a public hearing with respect to the District entering into the Contracts with Design-Builders; and

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

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

1. That the District held a public hearing at a regularly scheduled meeting of the Governing Board. There were no protests or complaints received with respect to the Contracts.
2. Based upon reports of staff, reviewed by the Governing Board in connection herewith, and pursuant to Government Code section 4217.12, the Governing Board finds that the anticipated cost to the District for the Energy Conservation Measures provided pursuant to the terms of the Contracts 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", "B" and "B-1."
3. That the District's payment to Design-Builders is anticipated to be offset by a reduction in energy consumption, below-market energy purchases or other benefits provided under the Contracts.
4. It is in the best interests of the District to enter the Contracts pursuant to the terms as indicated in the form of Contracts attached hereto as Attachments "B" and "B-1" subject to minor revisions approved by staff and legal counsel that do not alter or reduce the "best interests" approved in this Resolution.
5. That the District's superintendent or his designee is authorized to enter into the Contracts pursuant to the terms as indicated in the form of Contracts attached as Attachments "B" and "B-1", subject to minor revisions approved by staff and legal counsel that do not alter or reduce the "best interests" approved in this Resolution, to take all steps and perform all actions necessary to execute and implement that Contracts, 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 West Contra Costa Unified School District, this 14th day of June, 2017, by the following vote:

AYES: _____
NOES: _____
ABSTAINED: _____
ABSENT: _____

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of a Resolution adopted at a Regular Meeting of the Governing Board of the West Contra Costa Unified School District held on this 14th day of June, 2017.

Board of Education

Attachments:

“A” – Energy Analysis for sites
“B” and “B-1” – Form of Contract for Design-Builders

ATTACHMENT “A”

Energy Analysis

WCCUSD LED Project Savings

LED Lighting Retrofit Projects	Current Energy Costs	Project Energy Savings	Projected Energy Costs
Bayview ES	\$42,235	\$13,534	\$28,701
Hercules HS/MS	\$127,371	\$88,620	\$38,751
Fairmount ES	\$25,685	\$10,321	\$19,364
Lovanya DeJean MS	\$111,688	\$74,242	\$37,446

LED Projects meet Government Code section 4217.12(a)(1) requirement:

-Anticipated cost for each project is less than electrical energy consumed in their absence.