

BANNING UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 16-17-12

**TO APPROVE THE ENERGY SERVICES CONTRACT BETWEEN
DISTRICT AND OPTERRA ENERGY SERVICES, INC. FOR DESIGN,
INSTALLATION, OPERATION AND MAINTENANCE OF SOLAR
PHOTOVOLTAIC SYSTEMS ON SELECTED DISTRICT SITES**

WHEREAS, the Banning Unified School District (“District”) Board of Education (“Board”) desires to develop energy efficient practices and upgrades in the District; and

WHEREAS, the Board wishes to further reduce the District’s energy costs and improve the energy quality and reliability at existing District facilities; and

WHEREAS, California Government Code sections 4217.10 through 4217.18 authorize the District Board to enter into an energy services contract for the implementation of energy conservation facilities (as defined in Government Code section 4217.11) after the District holds a public hearing at a regular Board meeting, for which notice was posted at least two weeks in advance, if the Board finds that its anticipated costs to the District from the energy conservation facilities will be less than its anticipated marginal cost to the District of providing energy that would have been consumed in the absence of such purchases; and

WHEREAS, the District contracted with Sage Renewables, an independent, third-party expert (“Expert”) to review the proposed energy conservation facilities recommended by OpTerra (“Solar Project”), and estimate whether the Solar Project would generate savings for the District, among other things; and

WHEREAS, the Board held a public hearing (“Hearing”) at a regular Board meeting on April 6, 2017, for which notice was posted at least two weeks in advance, and at which the Board received public comments and reviewed estimated savings for the Solar Project as determined by OpTerra and the Expert; and

WHEREAS, at the Hearing, the Board determined that the Solar Project is anticipated to generate savings for the District, as the anticipated cost for OpTerra to deliver the Solar Project for the District’s ownership and use is less than the District’s anticipated marginal costs of providing energy that would have been consumed in the absence of the Solar Project; and

WHEREAS, OpTerra Energy Services, Inc. (“OpTerra”) has proposed to the District an Energy Services Contract (“Solar Contract”), attached hereto as Exhibit A, under the terms of which OpTerra will install the Solar Project consistent with the requirements of Government Code sections 4217.10 through 4217.18;

NOW THEREFORE, BE IT RESOLVED that the foregoing statements are true and correct.

BE IT FURTHER RESOLVED that the Board adopts and ratifies the findings made at the Hearing.

BE IT FURTHER RESOLVED, in accord with the findings made at the Hearing, the Solar Contract is in the best interest of the District and the Board approves the Solar Contract in substantially the same form as attached hereto as Exhibit A, subject to non-substantive revisions, final approval by legal counsel, and further ratification and findings as needed at a regularly scheduled Board meeting.

BE IT FURTHER RESOLVED that the Board ratifies all prior actions taken in relation to this matter by District staff and the Board.

BE IT FURTHER RESOLVED that the Board authorizes the Superintendent or his designee to take such actions, execute documents, and negotiate agreements necessary to effect the intent of this Resolution.

PASSED AND ADOPTED by the Board of Education of the Banning Unified School District on April 18, 2017 at a duly noticed meeting by the following vote:

AYES: _____ NOES: _____ ABSTAIN: _____ ABSENT: _____

STATE OF CALIFORNIA)
) SS:
COUNTY OF RIVERSIDE)

I, Kerri Mariner, Clerk of the Governing Board of the Banning Unified School District, hereby certify that the foregoing is a full, true and correct copy of the Resolution adopted by the Board of Education on April 18, 2017.

Kerri Mariner, Clerk of the Board of
Education of the Banning Unified School
District

Exhibit A

Energy Services Contract