

ALVORD UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 56

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

**WHEREAS**, the Alvord 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 learning environment and achieve operating budget cost reductions;

**WHEREAS**, Government Code sections 4217.10 through 4217.18 authorize the District's Board of Education 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 Board of Education, at which meeting the District's Board of Education may consider and adopt the findings described herein and award energy services agreements based thereon, and that notice thereof be must given 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 Board of Education at which the Board of Education 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**, the Board and District staff has received information presented by Climatec, LLC, summarized in Exhibit A "Analysis," and the Analysis demonstrates that the cost the AUSD Energy Infrastructure Modernization Phase III Program is less than the anticipated marginal cost of energy the District would have consumed in the absence of the Program;

**WHEREAS**, Climatec, LLC has proposed design/build implementation services for scope that is to be funded by "Elementary and Secondary School Emergency Relief" funding authorized by the American Rescue Plan Act ("ESSER III Funding") and

Extended Learning Opportunity (ELO) funding. Consistent with the American Rescue Plan Act (“ARPA”), the purpose of the Project is to implement repairs, replacements, improvements, and upgrades needed to improve indoor air quality in the District’s school facilities, reduce the risks of virus transmission and exposure to environmental health hazards, and to support student health needs, as well as to maintain operations and continuity of services in light of the anticipated full reopening of the District’s schools.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE ALVORD 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 AUSD Phase III 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 Phase III Energy Infrastructure Modernization Program. The form of Agreements by and between the District and Climatec, LLC, presented herewith are hereby approved, subject to final approval by the District Staff and District Counsel. The Executive Director of 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 AUSD Phase III Energy Infrastructure Modernization Program.

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

**PASSED AND ADOPTED** as of \_\_\_\_\_, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

The President of the Alvord Unified School District Board of Education 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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Lizeth Vega, Trustee Area 2,  
President of the Board of Education  
Alvord Unified School District

The Clerk of the Alvord Unified School District Board of Education 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 Alvord Unified School District on this date.

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Julie A. Moreno, Trustee Area 3,  
Clerk of the Board of Education  
Alvord Unified School District