

**RESOLUTION OF THE BOARD OF EDUCATION OF  
THE MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT**

**RESOLUTION NO. 03-102220  
TO MAKE FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 4217.10, ET SEQ., AND  
APPROVE AN ENERGY SERVICES CONTRACT WITH  
ENGIE SERVICES U.S. INC.**

**WHEREAS**, ENGIE Services U.S. Inc. (“**Energy Contractor**”) has represented to the Mountain View Whisman School District (“**District**”) that Energy Contractor has 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**, Energy Contractor has analyzed the energy needs of the following District school sites:

	<b>School Site Name</b>	<b>Address</b>
1	Benjamin Bubb ES	525 Hans Ave., Mountain View, CA 94040
2	Crittenden MS	1701 Rock St., Mountain View, CA 94043
3	Edith Landels ES	115 West Dana St., Mountain View, CA 94041
4	Frank L Huff ES	253 Martens Ave., Mountain View, CA 94040
5	Graham MS	1175 Castro St., Mountain View, CA 94040
6	Gabriela Mistral - Mariano Castro ES	505 Escuela Ave., Mountain View, CA 94040
7	Monta Loma ES	460 Thompson Ave., Mountain View, CA 94043
8	Stevenson ES – District Office	750 San Pierre Way, Mountain View, CA 94043
9	Theuerkauf ES	1625 San Luis Ave, Mountain View, CA 94043
10	Vargas ES	220 N. Whisman Rd., Mountain View, CA 94043

(collectively “**School Sites**”) and has represented that Energy Contractor’s providing the Energy Conservation Measures at the School Sites will result in a reduction in energy consumption or demand that will result in net cost savings to the District (“**Cost Savings**”). An energy analysis prepared by its energy consultant Sage Energy Consulting (“**Sage**”) is attached as **Attachment A** and incorporated herein (“**Energy Analysis**”); and

**WHEREAS**, Energy Contractor has represented to the District that Energy Contractor can provide, install and construct the Energy Conservation Measures; and

**WHEREAS**, based upon the Energy Analysis and presentation by District staff and Sage, the anticipated cost to the District for Energy Contractor to design, provide, install and construct 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) authorizes a public agency to enter into an energy services contract if the determination is made at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, and if the governing body finds that the anticipated cost to the public agency for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases; and

**WHEREAS**, on this date, pursuant to Government Code section 4217.10 *et seq.*, the District’s Governing Board held a public hearing with respect to the District entering into an energy services contract with Energy Contractor, in the

form of a Contract for Design and Construction, as attached hereto as **Attachment B** and incorporated herein (“**Energy Services Contract**”); and

**WHEREAS**, the Governing Board has determined that the anticipated cost of the energy consumption or demand to the District pursuant to the Energy Services Contract will be less than the anticipated marginal cost to the District in the absence of the Energy Conservation Measures and the Energy Services Contract; and

**WHEREAS**, the District desires to retain Energy Contractor to design, provide, install and construct the Energy Conservation Measures pursuant to the terms and conditions of the Energy Services Contract.

**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.
2. Based upon reports of staff, reviewed by the Governing Board in connection herewith, and pursuant to Government Code section 4217.12, the anticipated cost of the energy consumption or demand to the District pursuant to the Energy Services Contract will be less than the anticipated marginal cost to the District in the absence of the Energy Conservation Measures and the Energy Services Contract.
3. It is in the best interests of the District to enter the Energy Services Contract attached as **Attachment B**.
4. That the District’s superintendent or designee is authorized to enter into the Energy Service Contract attached as **Attachment B** for the sites listed herein above, subject to minor revisions approved by staff and legal counsel that do not alter or reduce the best interests approved in this Resolution, and to take all steps and perform all actions necessary to execute and implement the Energy Services Contract with the Energy Contractor and to take any actions deemed necessary to best protect the interests of the District.

PASSED AND ADOPTED by the Board of Education of the Mountain View Whisman School District, on \_\_\_\_\_, 2020, by the following vote:

**AYES:**            **NOES:**            **ABSTAINED:**            **ABSENT:**

**CERTIFICATION**

I, \_\_\_\_\_ Clerk of the Board of Education of the Mountain View Whisman School District, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Education of the District at a meeting after a hearing that was held on 10/22/ 2020, with a copy of the Resolution being on file in the Administrative Office of the District.

\_\_\_\_\_  
Clerk, Board of Education

**Attachments:**

- Attachment A: Energy Analysis
- Attachment B: Form of Contract for Design and Construction (Gov. Code § 4217.10 et seq.)



**ATTACHMENT B**

**Form of Contract for Design and Construction (Gov. Code § 4217.10 et seq.)**