RESOLUTION NO. 26-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROJECT DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COOPER CITY AND ENERGY SYSTEMS GROUP, LLC, TO EXTEND THE PROJECT DEVELOPMENT PHASE FROM ONE HUNDRED TWENTY (120) DAYS TO TWO HUNDRED FIVE (205) DAYS, ATTACHED HERETO AS EXHIBIT "A;" AUTHORIZING AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 10, 2026, the City Commission of the City of Cooper City, Florida adopted Resolution No. 25-74, approving and authorizing the execution of a Project Development Agreement (the "PDA") between the City of Cooper City (the "City") and Energy Systems Group, LLC ("ESG"), in accordance with Section 2-258(i) of the City's Code of Ordinances; and

WHEREAS, the PDA provides for a Project Development Phase during which ESG shall conduct a comprehensive analysis of Energy, Water, and Wastewater Efficiency and Conservation Measures ("ECMs") across City facilities and deliver a final report to the City; and

WHEREAS, the current Project Development Phase is set at one hundred twenty (120) days from the effective date of the PDA; and

WHEREAS, in order to ensure the delivery of a thorough, complete, and actionable final report meeting the requirements of Section 489.145(4), Florida Statutes, and the terms of the PDA, an additional time is necessary; and

WHEREAS, the proposed extension does not alter the compensation structure of the PDA, and the City retains no obligation to compensate ESG unless and until the City Commission approves a Guaranteed Energy, Water and Wastewater Performance Savings Contract ("GPSC"); and

WHEREAS, the City Commission of the City of Cooper City, Florida finds that the adoption of this Resolution is in the best interest of the health, safety, and welfare of the citizens of Cooper City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution. All exhibits attached hereto are incorporated herein and made a part hereof. 6

Section 2. The City Commission of the City of Cooper City, Florida hereby approves and authorizes the execution of an Amendment to the Project Development Agreement between the City and Energy Systems Group, LLC, extending the Project Development Phase from one hundred twenty (120) days to two hundred five (205) days, attached hereto as Exhibit "A." The appropriate City officials are authorized and directed to take any and all action necessary to effectuate the intent of this Resolution.

Section 3. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 4. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED this 25th day of August, 2026.

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MAYOR JAMES CURRAN

ATTEST:

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TEDRA ALLEN
City Clerk

Roll Call

Mayor Curran	___
Commissioner Shrouder	___
Commissioner Katzman	___
Commissioner Mallozzi	___
Commissioner Smith	___

APPROVED AS TO LEGAL FORM:

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JACOB G. HOROWITZ, ESQ.
City Attorney