

ATTACHMENT B

RESOLUTION NO. 2023-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT MAKING FINDINGS ON ENERGY SAVINGS AND DETERMINING OTHER MATTERS IN CONNECTION WITH AN ENERGY SERVICES AGREEMENT

WHEREAS, the Mission Springs Water District (the “District”) is a county water district that is duly organized and existing under and pursuant to Division 12 of the California Water Code (Section 30000 *et seq.*) (the “Act”); and

WHEREAS, Mission Springs Water District (“District”) desires to reduce the steadily rising costs of meeting the energy needs at its facilities; and

WHEREAS, it is the policy of the State of California and the intent of the State Legislature to promote all feasible means of energy conservation and all feasible uses of alternative energy supply sources; and

WHEREAS, the District proposes to enter into an energy services contract (“Energy Services Contract”), which is attached hereto as Exhibit A and made part hereof by this reference with ENGIE pursuant to which ENGIE will design, construct, and install on District property certain energy saving improvements consisting of photovoltaic systems, which will result in greater energy efficiency and cost savings for the District sites on which such facilities are located on (“Project”); and

WHEREAS, ENGIE Services U.S. Inc. (“ENGIE”), has provided the District with analysis showing the benefits of implementing certain energy conservation measures in the District (“Analysis”), which is attached hereto as Exhibit B and made part hereof by this reference; and

WHEREAS, the Analysis includes data showing that the anticipated cost to the District for the electrical energy provided by the Project will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of those purchases; and

WHEREAS, the Board proposes to enter into the Energy Services Contract substantially in the form presented at this meeting, subject to such changes, insertions or omissions as the Interim General Manager reasonably deems necessary following the Board’s adoption of this Resolution; and

WHEREAS, pursuant to Government Code section 4217.12, this Board has held a public hearing, public notice of which was given at least two weeks in advance, to receive public comment; and

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MISSION SPRINGS WATER DISTRICT DOES HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals.

The foregoing recitals are true and correct.

Section 2. Terms.

The terms of the Energy Services Contract in the form presented at this meeting are in the best interests of the District.

Section 3. Analysis.

In accordance with Government Code section 4217.12, and based on data provided by the Analysis, the Board finds that the anticipated cost to the District for electrical energy provided by the Project under the Energy Services Contract will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of those purchases. The Board hereby approves the Energy Services Contract, in accordance with Government Code section 4217.12.

Section 5. Negotiate Any Further Changes, Insertions, and Omissions.

The District's Interim General Manager or designee is hereby authorized and directed to negotiate any further changes, insertions and omissions to the Energy Services Contract as he reasonably deems necessary, and thereafter to execute and deliver the Energy Services Contract following the Board's adoption of this Resolution.

Section 6. Effective Date.

As provided in the Energy Services Contract, performance of the Energy Services Contract is contingent upon the District's ability to secure grant funding and financing for the contract price of the Energy Services Contract. If such grant funding and financing is not secured, the ESC will be terminated.

Section 7. Effective Date.

This Resolution shall take effect immediately upon its adoption.

Section 8. Certification.

The Secretary of the Board shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.

PASSED, ADOPTED, AND APPROVED, this 18th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Russ Martin
President of Mission Springs Water District
and its Board of Directors

ATTEST:

Brian Macy, PE
Secretary of Mission Springs Water District
and its Board of Directors