

RESOLUTION NO. 2018-

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, MAKING
CERTAIN FINDINGS AND AUTHORIZING THE COUNTY TO ENTER INTO
AN ENERGY SERVICES CONTRACT WITH ENGIE SERVICES, U.S., INC.
FOR THE IMPLEMENTATION OF CERTAIN ENERGY-RELATED
IMPROVEMENTS TO COUNTY FACILITIES IN ACCORDANCE WITH
CALIFORNIA GOVERNMENT CODE SECTION 4217.10 ET SEQ.**

WHEREAS, California Government Code Section 4217.10 et seq. authorizes the Board of Supervisors to develop energy conservation, cogeneration, and alternate energy supply sources at the facilities of public agencies; and

WHEREAS, California Government Code Section 4217.10 et seq., authorizes the Board of Supervisors to enter into an energy service contract for the implementation of energy related improvements and any necessarily related facility ground lease if the Board finds that (1) the required public notice was given, (2) it is in the best interest of County of San Benito (“County”) to enter into such energy service contract, (3) that the anticipated cost to the County 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 County of thermal, electrical, or other energy that would have been consumed by the County in absence of those purchases, and (4) as applicable, the difference, if any, between the fair rental value for the real property subject to a facility ground lease and the agreed rent will be offset by below-market energy purchases or other benefits provided under the energy service contract; and

WHEREAS, the County provided public notice on June 8, 2018, more than two (2) weeks in advance of the June 26, 2018 public hearing; and

WHEREAS, the proposed energy service contract by and between the County and ENGIE Services, U.S., Inc. for the implementation of certain energy measures whose cost to the County for such thermal or electrical energy or conservation services provided under the energy service contract will be less than the anticipated marginal cost to the County of thermal, electrical, or other energy that would have been consumed by the County in absent of the implementation of the improvements under the energy service contract; and

WHEREAS, the difference, if any, between the fair rental value for the real property subject to a facility ground lease and the agreed rent will be offset by below-market energy purchases or other benefits provided under the energy service contract; and

NOW THEREFORE BE IT RESOLVED, the Board of Supervisors hereby makes the following findings:

1. The required public notice was given in accordance with California Government Code section 4217.12; and
2. The anticipated cost to County 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 County of thermal, electrical, or other energy that would have been consumed by the County in absence of those purchases; and
3. The difference, if any, between the fair rental value for the real property subject to a facility ground lease and the agreed rent will be offset by below-market energy purchases or other benefits provided under the energy service contract; and
 4. It is in the best interest of the County to enter into an energy service contract with ENGIE Services U.S. Inc. for the implementation of certain energy related improvements to County facilities.

NOW THEREFORE BE IT FURTHER RESOLVED, that the County of San Benito may enter into an energy services contract with ENGIE Services U.S. Inc. to design, construct, install, and monitor certain energy conservation measures related improvements to County facilities in accordance with California Government Code Sections 4217.10 et seq.

NOW THEREFORE BE IT FURTHER RESOLVED, that the County of San Benito does hereby approve the contract ENGIE Services U.S. Inc, and authorizes the Chair and County Counsel to sign the agreement with ENGIE for a total amount not to exceed eight million thirty-one thousand nine hundred twenty-two dollars (\$8,031,922), after the contingencies specified in the contract have been removed.

PASSED AND ADOPTED by the San Benito County Board of Supervisors, State of California, at the meeting of said Board held on the 26th day of June 2018.

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

Anthony Botelho, Chair San Benito
 County Board of Supervisors

ATTEST:
 Janet Slibsager
 Clerk of the Board

APPROVED AS TO LEGAL FORM:
 San Benito County Counsel's Office

By: _____

 Barbara Thompson
 County Counsel