

**BEFORE THE BOARD OF TRUSTEES
OF THE KERN COMMUNITY COLLEGE DISTRICT**

RESOLUTION NO. R-12-2023

**RESOLUTION MAKING FINDINGS ON ENERGY SAVINGS
AND DETERMINING OTHER MATTERS IN CONNECTION WITH
AN ENERGY SERVICES AGREEMENT**

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 Kern Community College District (“District”) desires to reduce the steadily rising costs of meeting the energy needs at its facilities; and

WHEREAS, FFP BTM SOLAR, LLC, a Delaware limited liability company (“Company”), has provided the District with analysis showing the benefits of implementing certain energy cost conservation measures through the installation of certain solar photovoltaic and energy storage battery facilities, and the Company’s analysis (“Analysis”) is attached hereto as Exhibit A and made part hereof by this reference; and

WHEREAS, the District proposes to enter into an energy services agreement and related contract documents (“Energy Services Agreement”) with Company, pursuant to which Company will design, construct and install on District property certain energy cost saving improvements consisting of solar photovoltaic and energy storage battery facilities and arrange with the local utility for interconnection of the facilities, which will save energy costs for the site on which such facilities are located (“Project”); and

WHEREAS, the site where such facilities will be located is Cerro Coso Community College;
and

WHEREAS, the Analysis includes data showing that the anticipated savings to the District provided by the Project will be more than the anticipated cost to the District of electrical energy that would have been consumed by the District in the absence of such measures; and

WHEREAS, the Board proposes to enter into the Energy Services Agreement substantially in the form presented at this meeting, subject to such changes, insertions or omissions as the Chancellor or his designee 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

WHEREAS, the District’s proposed approval of the Energy Services Agreement is a “Project” for purposes of the California Environmental Quality Act (“CEQA”); and

WHEREAS, the Guidelines for CEQA, California Code of Regulations Title 14, Chapter 13 (“State CEQA Guidelines”), exempt certain projects from further CEQA evaluation, including the following: (1) projects consisting of the new construction or conversion of small structures (“Class 3 Exemption”; Cal. Code Regs., tit. 14, § 15303); (2) projects consisting of the construction or placement of minor accessory structures to existing facilities (“Class 11 Exemption”; Cal. Code Regs., tit. 14, § 15311); and (3) projects consisting of minor additions to existing schools (“Class 14 Exemption”; Cal. Code Regs., tit. 14, § 15314), and the Project is categorically exempt under one or more of such exemptions.

* * * * *

NOW, THEREFORE, based upon the above-referenced recitals, the Board hereby finds, determines and orders as follows:

1. The terms of the Energy Services Agreement in the form presented at this meeting are in the best interests of the District.
2. In accordance with Government Code section 4217.12, and based on data provided by the Analysis, the Board finds that the anticipated savings to the District provided by the Project will be more than the anticipated cost to the District of electrical energy that would have been consumed by the District in the absence of such measures.
3. The Board hereby approves the Energy Services Agreement, in accordance with Government Code section 4217.12.
4. The District’s Chancellor or designee is hereby authorized and directed to negotiate any further changes, insertions and omissions to the Energy Services Agreement as he/she reasonably deems necessary, and thereafter to execute and deliver the Energy Services Agreement following the Board’s adoption of this Resolution. The District’s Chancellor or designee is further authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and said agreements.
5. The Project hereby found to be exempt from the requirements of CEQA pursuant to the Class 3, Class 11 and Class 14 Exemptions, as described above.
6. District staff are hereby authorized and directed to file and process a Notice of CEQA Exemption for the Project within five (5) days in accordance with CEQA and the State CEQA Guidelines, and the findings set forth in this Resolution.

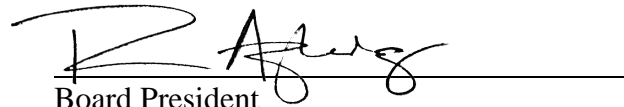
The foregoing Resolution was adopted at a meeting of the Board of Trustees of the Kern Community College District on November 9, 2023, by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 2

A handwritten signature in black ink, appearing to read "R. Argy", is written over a solid horizontal line.

Board President
Kern Community College District

CERTIFIED TO BE A TRUE
AND CORRECT COPY:

A handwritten signature in black ink, reading "Thomas J. Burke", is written over a solid horizontal line.

Clerk, Board of Trustees
Kern Community College District

EXHIBIT A
ANALYSIS OF BENEFITS

[Attached]