

RESOLUTION NO. 2019-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIOLA COMMUNITY SERVICES DISTRICT 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 Biola Community Services District (“District”) desires to reduce the rising costs of meeting the energy needs at its facilities; and

WHEREAS, the District proposes to enter into a facility solutions agreement (“Facility Solutions Agreement”) and related contract documents with Farmand, Inc. (“SitelogIQ”) for facilities to be located on the property of the District, pursuant to which, SitelogIQ will furnish to District energy efficiency upgrades and the engineering, design, procurement, construction management, installation, construction, monitoring, and commissioning of energy generation systems and arrange with the local utility for interconnection of the facilities, which will generate energy for the site on which such facilities are located;

WHEREAS, SitelogIQ has provided the District with analysis showing the financial and other benefits of entering into the Facility Solutions Agreement, which analysis is attached hereto as Exhibit A and made part hereof by this reference; and

WHEREAS, Exhibit A includes data showing that the anticipated cost to the District for the electrical energy provided by the solar photovoltaic facilities will be less 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 District proposes to enter into the Facility Solutions Agreement and related contract documents, each in substantially the form presented at this meeting, subject to

such changes, insertions or omissions as the District's General Manager or designee reasonably deems necessary following the Board's adoption of this Resolution; and

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

WHEREAS, the Facility Solutions Agreement is in the best interests of the District; and

WHEREAS, the District's proposed approval of the Facility Solutions 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) and (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 the Project is categorically exempt under one or more of such exemptions; and

WHEREAS, the Project does not involve any of the following and so are eligible for a categorical exemption as described above under CEQA Guidelines section 15300.2:

- (a) the cumulative impact of successive projects of the same type in the same place, which over time are significant;
- (b) an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (c) a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;
- (d) a hazardous waste site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and

(e) a project which may cause a substantial adverse change in the significance of a historical resource; and

WHEREAS, Public Resources Code, section 21080.35 statutorily exempts from CEQA evaluation the installation of a solar energy system, including associated equipment, on the roof of an existing building or at an existing parking lot.

THEREFORE, BE IT RESOLVED that based upon the above-referenced recitals, the Board finds and resolves as follows:

1. The terms of the Facility Solutions Agreement and related agreements are in the best interests of the District.

2. In accordance with Government Code section 4217.12, and based on data provided by Exhibit A, the Board finds that the anticipated cost to the District for electrical energy provided by the Facility Solutions Agreement will be less than the anticipated cost to the District of electrical energy that would have been consumed by the District in the absence of the Facility Solutions Agreement.

3. The Governing Board hereby approves the Facility Solutions Agreement in accordance with Government Code section 4217.12.

4. The District's General Manager or designee is hereby authorized and directed to negotiate any further changes, insertions and omissions to the Facility Solutions Agreement as is reasonably deemed necessary, and thereafter to execute and deliver the Facility Solutions Agreement following the Board's adoption of this Resolution. The District's General Manager 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 is hereby found to be exempt from the requirements of CEQA pursuant to one or more of the Class 3 and Class 11 Exemptions, as described above.

6. The Project is hereby found to be exempt from the requirements of CEQA pursuant to Public Resources Code, section 21080.35 as described above.

7. District staff are hereby authorized to file and process a Notice of CEQA Exemption for the Project 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 Governing Board of the Biola Community Services District of Fresno County, California, at a regular meeting of said Board duly held on this 21st day of November, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rudy Hernandez, Board President
Biola Community Services District
Fresno County, California

I, Eduardo Antunez., Clerk of the Board of Directors for Biola Community Services District, County of Fresno, State of California, do hereby certify that the foregoing is a true copy of the Resolution adopted by said Board at a regular meeting there, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.

Eduardo Antunez, Clerk
Biola Community Services District
Fresno County, California