

**RESOLUTION NO. 912 OF THE BOARD OF DIRECTORS OF
TULARE LOCAL HEALTHCARE DISTRICT MAKING FINDINGS REQUIRED
UNDER GOVERNMENT CODE SECTION 4217.10-18 AND APPROVING
AGREEMENT FOR ENERGY CONSERVATION SERVICES WITH ENGIE SERVICES
US, INC. AND AUTHORIZING EXECUTION AND RELATED ACTIONS**

RESOLVED, by the Board of Directors (the “Board”) of the Tulare Local Healthcare District (the “District”), as follows:

WHEREAS, the Board finds it to be in the best interests of the District to implement projects to promote energy efficiency and renewable energy.

WHEREAS, Government Code sections 4217.10 through 4217.18 authorize the District to enter into one or more energy services contracts with any person or entity if the anticipated cost to the District for thermal or electrical energy or conservation services provided under the contract is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District in the absence of those energy services contracts.

WHEREAS, Government Code sections 4217.10 through 4217.18 require that a public hearing be held, and public comment be taken, at a regularly scheduled meeting of the Board, at which meeting the Board may consider and adopt the findings described herein and award energy services contracts, and that notice thereof be must given at least two weeks prior to said meeting.

WHEREAS, the District did timely give notice of its intent to conduct a public hearing and take public comment upon the subject matter of this Resolution two weeks prior to the regularly scheduled public meeting of the Board at which the Board has held a public hearing and taken public comment and has now considered this resolution, all as required under Government Code sections 4217.10 through 4217.18.

WHEREAS, the Board conducted a public hearing on July 27, 2022, which it continued on August 3, 2022, to consider awarding of the above-referenced energy services contract.

WHEREAS, ENGIE Services U.S. INC. (“ENGIE”) has assessed the feasibility of various potential energy conservation measures to reduce the District’s energy consumption and expense related to the District’s real property interest located at 1425 E. Prosperity Avenue, Tulare, CA 93274 (“Evolutions Plaza”) and has recommended specific energy conservation measures based thereon (“Analysis”), upon which the Board and District Staff have relied.

WHEREAS, Wulff, Hansen & Co., as municipal advisors for the District, has assessed ENGIE’s findings and has provided guidance and recommendations to the Board regarding the Analysis, upon which the Board and District Staff have relied.

WHEREAS, the Analysis demonstrates that the cost for energy conservation services provided under the Agreement is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District at Evolutions Plaza in the absence of energy conservation services (the “Savings”).

WHEREAS, the Analysis indicates that funds for the repayment of project cost are anticipated to be available, in part, from the Savings, representing funds that otherwise would have been used for purchase of electrical, thermal, or other energy required by the City in the absence of the energy conservation services provided under the proposed Energy Services Contract between ENGIE and the District (the "Contract").

NOW, THEREFORE, BE IT RESOLVED, the Board hereby finds, determines, does and orders the following:

RESOLVED, the Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

RESOLVED, after due consideration of all of the relevant facts before it and upon examination of the Analysis, the presentation of and material provided by ENGIE, input from Wulff, Hansen & Co., and input from members of the public, the Board finds that the cost of the Contract to the District for the energy conservation services provided thereunder is less than the anticipated marginal cost to the District of thermal, electrical, or other energy that would have been consumed by the District at Evolutions Plaza in the absence of the energy conservation services and that it is in the best interest of the District to approve and enter into the Contract.

RESOLVED, the Board approves the Contract, in form and subject to further negotiation, attached as Exhibit A to this Resolution and on file at the District's office.

RESOLVED, that the CEO of the District be authorized, directed and empowered in the name of the District to negotiate (but only to the extent directed by the Board) and execute the Contract and take all additional actions and sign such documents as necessary to fulfill the purpose of this Resolution; and

RESOLVED, if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Resolution shall nonetheless remain in full force and effect. The Board hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Resolution, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Resolution be declared invalid or unenforceable.

THE FOREGOING RESOLUTION WAS ADOPTED upon motion of Director Northcraft and seconded by Director Taylor at a meeting held on August 3, 2022, by the following vote:

AYES: 3

By: KEVIN NORTHCRAFT, BRANDON TAYLOR, MIKE JAMAICA

NOES: 2

By: XAVIER AVILA, MARMIE FIDLER

ABSTAIN: _____

By: _____

ABSENT: _____

By: _____



President, Board of Directors
Tulare Local Healthcare District

IN WITNESS WHEREOF, I have hereto set my name as Secretary of the District, this 3rd day of August, 2022.



Secretary, Board of Directors
Tulare Local Healthcare District