



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 13.m

**Meeting Date:** November 2, 2023

**Subject:** Approve Resolution No. 3366 To Authorize and Approve Energy Services Contract with Efficient Lighting Design, Inc.

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Division:** Facilities Support Services

**Recommendation:** Approve Resolution No. 3366, to authorize and approve a contract between the district and Efficient Lighting Design, Inc. using Government Code 4217.10 *et seq.*

**Background/Rationale:**

Government Code section 4217.10 *et seq.* allows public agencies to develop energy conservation, cogeneration, and alternate energy supply sources at the facilities of public agencies if its governing body determines the purchase is in the best interests of the public agency at a public hearing held at a regularly scheduled Board meeting. In addition, the governing body must determine that the anticipated cost to the District for the energy generating facility under the energy service contract will be less than the anticipated cost to the District of electrical energy costs that would have been consumed by the District in the absence of this purchase.

District staff seeks to enter into an energy service contract with Efficient Lighting Design, Inc. ("Provider"), where Provider proposes to design, install, and implement certain energy conservation measures on a District-wide basis including, without limitation, work involving LED lighting retrofitting at various sites ("Project").

Before entering into an energy service contract, Government Code section 4217.12 requires the Board to hold a public hearing at its regularly scheduled Board meeting to determine whether the Project and the proposed energy service contract is in the best interests of the District. The energy cost savings analysis for the Project, provided by Provider and reviewed by District staff, shows that the anticipated cost to the District for the Project will be less than the anticipated marginal cost to the District of electrical or other energy that would have been consumed by the District if such Project was not completed. As required by statute, on October 16, 2023, at least two weeks prior to the regularly scheduled public meeting, District staff posted the notice of its intent to conduct a public hearing.

The purpose of this agenda item is for the Board to conduct a public hearing to provide an opportunity for public comment on the proposed Project and on the question of the District entering into an Energy Service Contract.

Additionally, this agenda item is for the Board to consider adoption of Resolution No. 3366 to make required findings and approve an agreement with Efficient Lighting Design, Inc. ("Provider") to implement certain energy conservation measures by installing lighting retrofitting (collectively, "Project") using an energy service contract ("Contract") pursuant to Government Code section 4217.10 *et seq.*

In accordance with Government Code section 4217.12, the Resolution finds that, based on available information, the cost of the Project will be offset and will be less than the anticipated marginal cost to District of electrical or other energy that would have been consumed by District if such Project was not completed, and that it is in the best interests of the District to enter into the Contract with Provider.

**Financial Considerations:** Measure H funding; \$2,330,853

**LCAP Goal(s):** Safe, Physically and Emotionally Healthy Learning Environment, Maximize Organization Processes as Effectively and Efficiently as Possible.

**Documents Attached:**

1. Exhibit 1 – Exhibit 4 provided under agenda item 10.8
2. Resolution No. 3366 – Authorization and approve energy service contract

**Estimated Time of Presentation:** N/A

**Submitted by:** Chris Ralston, Director III, Facilities Management

**Approved by:** Lisa Allen, Interim Superintendent

**RESOLUTION NO. 3366**  
**OF THE BOARD OF EDUCATION OF THE SACRAMENTO CITY UNIFIED SCHOOL**  
**DISTRICT TO AUTHORIZE AND APPROVE ENERGY SERVICES CONTRACT**  
**WITH EFFICIENT LIGHTING DESIGN, INC.**

WHEREAS, Sacramento City Unified School District ("District") desires to implement energy conservation measures by constructing a lighting retrofit ("Project") at multiple District campuses and properties ("Premises");

WHEREAS, Government Code section 4217.12, authorizes a school district to enter into an energy service contract if its governing board determines, at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, that "the anticipated cost to the public agency 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 public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases;"

WHEREAS, under Government Code section 4217.11, an "energy service contract" means a public contract that "will provide electrical or thermal energy or conservation services to a public agency from an energy conservation facility," an "energy conservation facility" includes "conservation measures located in public buildings" such as "equipment, maintenance, load management techniques and equipment, or other measures to reduce energy use or make for a more efficient use of energy;"

WHEREAS, based on qualifications and overall proposed Project cost and cost-savings, among other factors, the District has selected Efficient Lighting Design, inc. ("Provider") to perform and complete the Project pursuant to an energy services contract ("Contract");

WHEREAS, at the November 2, 2023, Board meeting, Provider represented that Provider's provision of the Project on the Premises will result in a reduction in consumption of or demand for nonrenewable energy that will result in net cost savings to the District attached as **Exhibit 1** and made part hereof by this reference ("Analysis");

WHEREAS, in accordance with Government Code section 4217.12, on October 12, 2023, the District published the notice of a public hearing at which the Board of Education would consider this Resolution, and on November 2, 2023, has held the public hearing and provided an opportunity for public comment on the Project;

WHEREAS, based on the Analysis by Provider, the anticipated cost to the District for the energy or conservation services provided by the energy conservation Project under the Contract will be less than the anticipated marginal cost to the District of the electrical or other energy that would have been consumed by the District in the absence of the Project; and

WHEREAS, the District desires to enter into the Contract with Provider, through which Provider would construct and install the Project pursuant to the terms and conditions of the Contract, a copy of which is attached hereto as **Exhibit 2**.

NOW, THEREFORE, the District's Board of Education does hereby determine, resolve, and order as follows:

Section 1. That the recitals set forth above are true and correct.

Section 2. That this Resolution is adopted following a public hearing at a regularly scheduled meeting of the Board for which at least two weeks' public notice has been duly given.

Section 3. That pursuant to Government Code section 4217.12, and based on available information, including, but not limited to the data provided in the Analysis, the Board hereby determines that the anticipated cost to the District for the Project will be less than the anticipated marginal cost to District of electrical or other energy that would have been consumed by District if such Project was not completed, and that it is in the best interests of the District to enter into the Contract with Provider.

Section 4. That the Contract with Provider, in substantially the form attached hereto as **Exhibit 2**, is hereby approved.

Section 5. That the Superintendent and designees are authorized pursuant to this Resolution to take any and all actions that are necessary to carry out, give effect to, and comply with the terms and intent of this Resolution including, without limitation, finalizing and executing the Contract with Provider on behalf of the District.

PASSED AND ADOPTED this 2 day of November, 2023, by the following vote of the Board:

AYES:

NOES:

ABSENT:

ATTEST:

SIGNED:

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Lisa Allen  
Interim Superintendent

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Chinua Rhodes  
President, Board of Education

