

**RESOLUTION OF THE BOARD OF TRUSTEES OF
THE VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
RESOLUTION NO. 2019-05**

**RESOLUTION TO MAKE CERTAIN DETERMINATIONS AND FINDINGS PURSUANT TO
GOVERNMENT CODE SECTION 4217.10, ET SEQ. AND FOR
AUTHORIZATION TO ENTER INTO ENERGY SERVICE CONTRACT (OXNARD COLLEGE)
WITH FFP BTM SOLAR, LLC, dba FOREFRONT POWER AND DETERMINE EITHER SOLAR
PROJECT OPTION IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AND TO CARRY OUT THE PROJECT.**

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 Ventura County Community College 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 power purchase agreement (“Power Purchase Agreement”) and related contract documents with FFP BTM Solar, LLC, dba ForeFront Power (“ForeFront Power”) for the District’s Oxnard College campus, pursuant to which Power Purchase Agreement ForeFront Power will design, construct, and install on the Oxnard College campus solar photovoltaic facilities (“Solar Facilities”) and arrange with the local utility for interconnection of the facilities, which will generate energy for the Oxnard College campus; and

WHEREAS, the District entered into a consultant contract with Sage Renewables (“Sage”) to perform energy consulting and related services; and

WHEREAS, Sage has analyzed the energy needs of the Oxnard College campus and has concluded that the installation and construction of the Solar Facilities proposed by ForeFront Power will result in an anticipated cost savings that the District could realize with the installation of the Solar Facilities (“Sage Analysis”); and

WHEREAS, ForeFront Power has represented to the District that it can design, construct, and install the Solar Facilities; and

WHEREAS, based upon the Sage Analysis attached as **Exhibit A**, and presentation by District staff and its consultants, the cost to the District for ForeFront Power to design, construct, and install the Solar Facilities will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of the Solar Facilities; and

WHEREAS, Government Code section 4217.12 (a) authorizes a public agency to enter into an energy services contract on terms that its governing body determines are in the best interests of the public agency if the determination is made at a regularly scheduled public hearing, public notice of which is given at least two weeks in advance, and if the governing body finds 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; and

WHEREAS, on this date, August 13, 2019, pursuant to Government Code section 4217.10 et seq., this Governing Board held a public hearing with respect to the District’s entering into the Power Purchase Agreement with ForeFront Power, which is incorporated herein by this reference (“Power Purchase Agreement”); and

WHEREAS, the Governing Board has determined that the anticipated cost to the District for electrical energy pursuant to the Power Purchase Agreement to design, construct, and install the Solar Facilities will be less than the anticipated marginal cost to the District of electrical energy that would have been consumed by the District in the absence of those Solar Facilities; and

WHEREAS, the District desires to retain ForeFront Power to design, construct, and install the Solar Facilities pursuant to the terms and conditions of the Power Purchase Agreement; and

WHEREAS, on December 11, 2018, the District determined that this project was categorically exempt from CEQA.

NOW, THEREFORE, it is found, determined and resolved by the Governing Board of the District as follows:

1. That the District held a public hearing at a regularly scheduled meeting of the Governing Board.
2. The Board determines that either option of a ground-mounted solar-panel system or solar carports over the existing parking lots at Oxnard College is categorically exempt from CEQA for the exact same reasons that the proposed solar carports at Moorpark and Ventura Colleges were found to be categorically exempt from CEQA. Either project option is approved.
3. Based upon the Sage Analysis and report of staff, reviewed by the Governing Board in connection herewith, and pursuant to Government Code section 4217.12, the anticipated cost to the District for the Solar Facilities provided pursuant to the Power Purchase Agreement to design, construct, and install the Solar Facilities will be less than the anticipated marginal costs to the District of electrical energy that would have been consumed by the District in the absence of such Solar Facilities.
4. It is in the best interests of the District to enter into the Power Purchase Agreement pursuant to the terms as indicated in the form of Power Purchase Agreement, subject to minor revisions approved by staff and legal counsel that do not alter or reduce the best interests approved in this Resolution.
5. That the District's Vice Chancellor, Business and Administrative Services or designee is authorized to enter into the Power Purchase Agreement pursuant to the terms as indicated in the form of the Power Purchase Agreement for the Oxnard College campus, subject to minor revisions approved by staff and legal counsel that do not alter or reduce the best interests approved in this Resolution and to take all steps and perform all actions necessary to execute and implement that Power Purchase Agreement and to take any actions deemed necessary to best protect the interests of the District.

PASSED AND ADOPTED by the Board of Trustees the Ventura County Community College District, this 13th day of August, 2019, by the following vote:

AYES: 5
NOES 0
ABSTAINED: 0
ABSENT: 0

CERTIFICATION

I, Georg R. Gillespie Clerk of the Board of Trustees of the Ventura County Community College District, Ventura County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Board of Trustees of said district at a meeting thereof held on the 13th day of August, 2019, with a copy of the Resolution being on file in the Administrative Office of the District.


Clerk, Board of Trustees

Attachments:

Exhibit A – Sage Analysis (Oxnard College)