

ANTELOPE VALLEY COMMUNITY COLLEGE DISTRICT
Lancaster, California
PUBLIC HEARING ON ENERGY SERVICE AND FINANCING CONTRACTS FOR
ENERGY RELATED IMPROVEMENTS AND SPECIAL MEETING OF THE BOARD
OF TRUSTEES
August 24, 2009

I. CALL TO ORDER

The public hearing and special meeting of the Board of Trustees of Antelope Valley Community College District was held on Monday, August 24, 2009, at Antelope Valley College, 3041 West Avenue K, Lancaster, California. Mr. Jack Seefus, President, called the meeting to order at 5:31 p.m. in Room SSV 151, Student Services Building.

II. ATTENDANCE

Board Members Present

Jack Seefus, President
Betty Wienke, Vice President
Steve Fox, Clerk (arrived 5:55 p.m.)
Steve Buffalo
Earl J. Wilson
David Brown, Student Trustee

College Staff/Representatives Present

Jackie L. Fisher, Sr.
Rosa Hall
Sharon Lowry
Shane Turner
Deborah Wallace
Heidi Preschler
Pamela Ford
Curtis Smith

III. CONTINUED PUBLIC HEARING – ADOPT RESOLUTION NO 1-2009/10
MAKING FINDINGS AND AUTHORIZING AND APPROVING (1) ENERGY
SERVICES CONTRACT WITH CHEVRON ENERGY SOLUTIONS COMPANY,
A DIVISION OF CHEVRON U.S.A. INC.; (2) MASTER EQUIPMENT LEASE-
PURCHASE AGREEMENT WITH BANK OF AMERICA, N.A.; AND (3)
ACQUISITION FUND AND ACCOUNT CONTROL AGREEMENT WITH
DEUTSCHE BANK NATIONAL TRUST COMPANY

A. Call to Order

Mr. Seefus declared the public meeting open.

B. Public Comment Regarding the Proposed Adoption of Findings and Approval of Energy Service Contract, Lease-Purchase Agreement, and Financing Agreement

Mr. Wilson questioned whether it was the appropriate time to consider this matter since the district is struggling for funds and solar technology is still relatively new. Ashu Jain of Chevron Energy Solutions explained that the agreements under consideration do not include the parking solar structures, which are being negotiated separately and will be presented for the Board's consideration at the future meeting. Director of Facilities Planning and Campus Development Doug Jensen explained that the proposed energy management program will provide the district with additional savings. He reminded trustees that the Central Plant is a bond project that must be built, whether or not the energy efficiency programs are included, to support the Theater Arts and Health and Science buildings. He advised that if the proposed

contracts and agreements are not approved, the district would prepare bid packages for the Central Plant project, but would not include the efficiencies, and the construction schedule would be delayed by approximately three months.

Mr. Jain explained in response to Mr. Buffalo's concern that energy savings are guaranteed for the entire project, but after five years an average would be used, rather than measurement and verification.

With regard to a question from Mrs. Wienke concerning the consequences to the district if Chevron was to enter bankruptcy, Mr. Jain explained that the agreement includes a payment performance bond for the construction and warranty period.

C. Closure of Public Hearing

On a motion by Mrs. Wienke, seconded by Mr. Buffalo, the Board of Trustees closed the public hearing. Advisory vote: in favor. Motion carried on a 4/0 vote with Mr. Fox absent.

IV. **ACTION ITEM**

- A. Communication No. 50-2009/10-BS, Adopt Resolution Making Findings and Authorizing and Approving (1) Energy Services Contract with Chevron Energy Solutions Company, a Division of Chevron U.S.A., Inc.; (2) Master Equipment Lease-Purchase Agreement with Bank of America, N.A.; and (3) Acquisition Fund and Account Control Agreement with Deutsche Bank National Trust Company

On a motion by Mrs. Wienke, seconded by Mr. Buffalo, the Board of Trustees adopted the resolution, approved the contract with Chevron Energy Solutions and the master lease agreement with Bank of America, and approved contracts related to the financing of the project. Advisory vote: in favor. Motion carried on a 4/1 vote with Mr. Wilson opposed.

V. **ADJOURNMENT**

President Seefus adjourned the meeting at 6:10 p.m.

Approved by Board of Trustees
September 14, 2009

Respectfully submitted,

President

Jackie L. Fisher, Sr., Secretary

Clerk