

**RESOLUTION OF BOARD OF EDUCATION FOR
HOMER CENTRAL SCHOOL DISTRICT**

WHEREAS, the Homer Central School District (the “*District*”) continues to desire to find ways to reduce energy costs throughout the District; and

WHEREAS, the Board previously passed a resolution on December 9, 2014 wherein the Board (a) stated that the exploration of the potential use of solar-electric PV systems at the District was in the best interest of the District, and (b) authorized the District to work with a solar power provider to conduct preliminary site evaluations, engineering, design, procurement studies for the installation and commissioning of a solar-electric PV system on a site owned and/or controlled by the District, as well as to take any and all steps necessary and required by the New York State Educational Law and New York State Energy Law, including but not limited to conducted an Request for Proposals (“*RFP*”) to select an energy provide, if necessary, and to negotiate and enter into any such agreements including power purchase agreements and site lease agreements to facilitate the implementation of such systems if the District determines the same to be in the best interests of the District; and

WHEREAS, the District issued an RFP on June 5, 2015, wherein it invited sealed proposals from solar providers to design, install, finance, own, operate and maintain a 2 MW AC solar photovoltaic system under a solar power purchase agreement (“*PPA*”) utilizing remote net metering pursuant to which the District anticipates purchasing from the provider all of the energy output or net meter credits generated by the system (the “*Solar RFP*”); and

WHEREAS, the District desires to accept the proposal from HCSD Solar, LLC, a wholly owned subsidiary of NextERA Energy Resources (the “*Solar Provider*”) in response to the Solar RFP as it finds the proposal to be in the best interests of the District; and

WHEREAS, the Solar Provider has a real estate interest in certain real property owned or leased by Solar Provider located at 6713 Route 41, Homer, New York 13045 (the “*Premises*”); and

WHEREAS, the District desires to work with the Solar Provider to negotiate and contract for the implementation of such solar systems under a PPA and negotiate and enter into a site lease agreement for the Premises to facilitate the implementation of such systems, all on such terms and conditions that are in the best interests of the District.

NOW, THEREFORE BE IT RESOLVED by the Board that:

1. The Board hereby authorizes the District to work with the Solar Provider and take any and all steps necessary and required by the New York State Educational Law and New York State Energy Law, and to negotiate and enter into a PPA and site lease agreement for the Premises to facilitate the implementation of such solar systems, all on such terms and conditions that are in the best interests of the District.
2. The Superintendent, and/or members of the Board, as appropriate or as otherwise required by law, are hereby authorized, empowered and directed to execute and deliver such documents and take all such action on behalf of the District as may be

deemed necessary, appropriate or advisable to carry out the intent or purposes of the foregoing resolutions.

3. The execution, delivery and performance by the Superintendent of Schools, and/or the member of the Board, as appropriate or as otherwise required by law, for and on behalf of the District, of all such further instruments and documents required in connection with the lease of the Property, each in form and substance approved by the Superintendent, and/or the members of the Board, as appropriate or as otherwise required by law, his or her signature thereon being conclusive evidence of such approval, are hereby in all respects approved, adopted and authorized by and on behalf of the District.
4. The foregoing resolutions shall remain in full force and effect until a copy of a subsequent resolution revoking or amending them, duly certified by the proper officers of the Board, shall be made by the Board.
5. This resolution shall be effective immediately.

Moved by: _____ Seconded by: _____

Aye _____ Nay _____ Absent _____

Accepted June ____, 2015

Homer, New York