

EXTRACT OF MINUTES OF A MEETING
OF THE SCHOOL BOARD
OF INDEPENDENT SCHOOL DISTRICT 2358
(TRI-COUNTY PUBLIC SCHOOLS)
STATE OF MINNESOTA

August 25, 2010

Pursuant to due call and notice thereof, a Special meeting of the School Board of Independent School District 2358 (Tri-County Public Schools), State of Minnesota, was duly held in said District on the 25th day of August, 2010 at 8:00 a.m.

Member Steve Murray moved the adoption of the following resolution:

RESOLUTION PROVIDING FOR THE AUTHORIZATION
TO ENTER INTO JOHNSON CONTROLS, INC. CONTRACTS

BE IT RESOLVED by the School Board of Independent School District 2358, State of Minnesota (the "District"), as follows:

1. **Authorization to Execute Contracts for the Guaranteed Energy Savings Project.**
Johnson Controls, Inc. (the "Provider") has proposed to this Board that the District enter into a guaranteed energy savings project (the "Performance Contract") whereby the Provider will furnish certain energy and operational savings measures (the "Improvements") to the District. The Board Chairperson and Superintendent are authorized to sign the Performance Contract with the Provider subject to the final mutual agreement of all contract terms, successful review of the findings and arrangement of the necessary contractual and financial documentation.
2. **Findings. The Board hereby finds, determines, and declares that:**
 - a. In the Performance Contract, the Provider provides a written guarantee that the Total Guaranteed Savings, as defined therein, will meet or exceed the costs of the Improvements.
 - b. The District has complied with the procedures required by Minnesota Statutes, Section 123B.65, as amended.
3. **Authorization to Execute Professional Services Contracts.**
In addition to the Performance Contract, Johnson Controls, Inc. (the "Provider") has proposed a Program Management contract for design and construction management of capital improvements funded with Health and Safety and Deferred Maintenance levies. The Board Chairperson and Superintendent are authorized to sign the Program Management contract with the Provider subject to the final mutual agreement of all contract terms.

The motion for the adoption of the foregoing resolution was duly seconded by Mark Koland. On a roll call vote, the following voted in favor: All in Favor

and the following voted against: None

whereupon said resolution was declared duly passed and adopted.

