

AUTHORIZING RESOLUTION
FOR GUARANTEED ENERGY SAVINGS PERFORMANCE CONTRACTS
AND LEASE PURCHASE AGREEMENT

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWNDES COUNTY AUTHORIZING THE EXECUTION AND DELIVERY OF AMENDMENT 1 TO BUNDLED ENERGY SOLUTIONS PROJECT AGREEMENT AND AMENDED AND RESTATED ANNUAL ENERGY COST AVOIDANCE AGREEMENT, BOTH WITH ABM BUILDINGS SOLUTIONS, LLC, RELATING TO ENERGY CONSERVATION MEASURES, AND TO ENTER INTO AN EQUIPMENT/LEASE PURCHASE AGREEMENT WITH CAPITAL ONE PUBLIC FUNDING, LLC TO FINANCE THE COSTS THEREOF FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, Lowndes County, a political subdivision of the State of Georgia (the “County”), is authorized by the laws of the State of Georgia, including the Guaranteed Energy Savings Performance Contracting Act codified in Chapter 37 of Title 50 of the Official Code of Georgia Annotated (the “Act”), to enter into guaranteed energy savings performance contracts with a selected qualified energy services provider, to elect to implement energy conservation measures in one or more phases with the selected qualified energy services provider, and to enter into lease purchase agreements to finance the costs associated with guaranteed energy savings performance contracts; and

WHEREAS, ABM Building Solutions, LLC (“ABM”) is a qualified energy services provider selected by the County to implement energy conservation measures pursuant to a guaranteed energy savings performance contract in accordance with the Act; and

WHEREAS, the County entered into a certain Bundled Energy Solutions Project Agreement and a certain Annual Energy Cost Avoidance Agreement, both with ABM, and both bearing Proposal Date April 12, 2021; and

WHEREAS, it is hereby determined that a true and real need exists for the County to implement a second phase of energy conservation measures with ABM by entering into that certain Amendment 1 to Bundled Energy Solutions Project Agreement bearing Amendment Date October 17, 2022, and that certain Amended and Restated Annual Energy Cost Avoidance Agreement bearing Amendment Date October 17, 2022, both with ABM, providing for the energy conservation measures identified therein (the “Amendments”); and

WHEREAS, in order to finance the costs associated with the Amendments, the County proposes to enter into (i) that certain Equipment Lease/Purchase Agreement (the “Lease Purchase Agreement”) with Capital One Public Funding, LLC, as lessor (the “Lessor”) in a principal amount