

**APPROVE SETTLEMENT AGREEMENT WITH  
XCEL ENERGY PERFORMANCE CONTRACTING INC.**

**THE GENERAL COUNSEL REPORTS THE FOLLOWING DECISION:**

**DESCRIPTION:** That the Chicago Board of Education approve a Settlement Agreement with Xcel Energy Performance Contracting, Inc. f/k/a Energy Masters International, Inc. ("Xcel") which provides for a payment of \$480,669.60. The settlement avoids litigation over payments for services provided by Xcel at several Chicago Public Schools.

**LSC REVIEW:** LSC approval is not applicable to this report.

**AFFIRMATIVE ACTION STATUS:** Affirmative Action review is not applicable to this report.

**FINANCIAL:** Charge \$480,669.60 to  
Budget Classification Fiscal Year 2006.....0948-467-000-9414-5400

**AUTHORIZATION:** Authorize the General Counsel to execute the Settlement Agreement, and all ancillary documents related thereto.

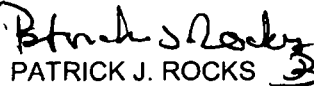
**GENERAL CONDITIONS:**

Inspector General - Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

Conflicts - The agreement is not legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of or the letting of contracts to, former Board Members during the one year period following expiration or other termination of their terms of office.

Indebtedness - The Board's Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, is hereby incorporated into and made part of this agreement.

Ethics - The Board's Ethics Code adopted September 27, 1995 (95-0926-RU3), as amended from time to time, is hereby incorporated into and made part of this agreement.

Approved,  
  
PATRICK J. ROCKS  
General Counsel

Within Appropriation:

  
JOHN MAIORCA  
Chief Financial Officer