

RESOLUTION NO. SD19-009
OF THE BOARD OF DIRECTORS OF
NEVADA COUNTY SANITATION DISTRICT NO. 1

**RESOLUTION APPROVING AMENDMENT NO. 1 TO THE
EQUIPMENT SUBLEASE/PURCHASE AGREEMENT BETWEEN
COUNTY OF NEVADA, CALIFORNIA AND NEVADA COUNTY
SANITATION DISTRICT NO. 1 REGARDING THE FINANCING
OF SOLAR POWER GENERATING EQUIPMENT AT THE LAKE
OF THE PINES WASTEWATER TREATMENT PLANT AND
AUTHORIZING THE CHAIR OF THE BOARD OF DIRECTORS
TO EXECUTE THE AMENDMENT AND DIRECTING THE
AUDITOR-CONTROLLER TO AMEND THE FISCAL YEAR
2019/20 SANITATION DISTRICT BUDGET (4/5 AFFIRMATIVE
VOTE REQUIRED)**

WHEREAS, Nevada County Sanitation District No. 1 (the "*Sanitation District*") owns and operates certain facilities and property for the collection, treatment and disposal of wastewater at its Lake of the Pines Treatment Plant (the "*Treatment Plant*"); and

WHEREAS, pursuant to Resolution SD16-012, approved August 16, 2016, the Sanitation District had installed at the Treatment Plant a solar system and photovoltaic power generating system and related improvements (collectively, the "*Treatment Plant Solar Equipment*") in order to reduce the energy charges associated with the operation of the Treatment Plant; and

WHEREAS, the County of Nevada installed solar systems and photovoltaic power generating systems and related improvements at certain of its public buildings and other facilities (collectively, together with the Treatment Plant Solar Equipment, the "*NCREBs Solar Equipment*"); and

WHEREAS, the County financed the NCREBs Solar Equipment through a lease-leaseback arrangement with the County and the Nevada County Finance Authority (the "*Authority*"); and

WHEREAS, including the financing of the Treatment Plant Solar Equipment in the County's financing of the remainder of the NCREBs Solar Equipment reduced the financing costs that would have otherwise been incurred by the Sanitation District; and

WHEREAS, pursuant to Resolution SD16-012, approved August 16, 2016, the Sanitation District approved the execution of a Sublease/Purchase Agreement (the "*Agreement*") with respect to the financing the costs of the Treatment Plant Solar Equipment; and

WHEREAS, the final Treatment Plant Solar Equipment costs equaling \$1,810,021.45 exceeded the estimates used to develop the Sublease Payment Schedule in the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Nevada County Sanitation District No. 1:

1. Approves Amendment No. 1 to the Equipment Sublease/Purchase Agreement dated as of August 1, 2016 between the between County of Nevada, California and Nevada County Sanitation District No. 1, to reflect the final Treatment Plant Solar Equipment costs of \$1,810,021.45, plus interest at a rate equal to that applied to the County's New Clean Renewable Energy Bond issuance; and

2. Authorizes the Chair of the Board of Directors to execute the Amendment on behalf of Nevada County Sanitation District No. 1; and
3. Directs the Auditor-Controller to release Lake of the Pines Operations & Maintenance Fund 4740 fund balance in the amount of \$10,470 amend the Fiscal Year 2019/20 Sanitation District budget as follows

Increase: 4740-91005-709-2000 / 521700 \$10,470

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Nevada County Sanitation District No. 1, held on the 10th day of September, 2019, by the following vote:

Ayes: Directors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Directors

By: 



Richard Anderson, Chair

9/10/2019 cc: CEO*
 AC* (Hold)

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9/17/2019 cc: CEO*
 AC* (Release)

**Amendment Number 1
to Equipment Sublease/Purchase Agreement**

This Amendment Number 1 (this "**Amendment**") is made this 10th day of September, 2019 to that certain Equipment Sublease/Purchase Agreement dated as of August 1, 2016 (the "**Agreement**"), between the County of Nevada, California ("**Sublessor**") and Nevada County Sanitation District No. 1 ("**Sublessee**").

WITNESSETH:

WHEREAS, Sublessor and Sublessee are parties to the Agreement; and

WHEREAS, Sublessor and Sublessee desire to amend certain provisions of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises as hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Agreement is hereby amended by deleting Exhibit A, Sublease Payment Schedule in its entirety and replacing it with the Revised Exhibit A, Sublease Payment Schedule that is attached hereto and incorporated herein by reference.
2. It is the intention of Subessor and Sublessee that, upon execution, this Amendment shall constitute a part of the Agreement. Except as amended hereby, the Agreement shall remain in full force and effect and is in all respects hereby ratified and affirmed. To the extent that the provisions of this Amendment conflict with the provisions of the Agreement, the provisions of this Amendment shall control. Capitalized terms not otherwise defined herein shall have the meanings ascribed them in the Agreement.

IN WITNESS WHEREOF, the parties, each by its duly authorized officer or agent, have duly executed and delivered this Amendment, which is intended to take effect as a sealed instrument, as of the day and year first written above.

County of Nevada, California (Sublessor)

By: _____



Name: Alison Lehman

Title: County Executive Officer

Nevada County Sanitation District No. 1 (Sublessee)

By: _____



Name: Richard Anderson

Title: Chair, Board of Directors

EXHIBIT A *

SUBLEASE PAYMENT SCHEDULE

SUBLEASE PAYMENT DATE	SUBLEASE PAYMENT AMOUNT	INTEREST COMPONENT	PRINCIPAL COMPONENT	OUTSTANDING BALANCE	PREPAYMENT PRICE** (Including prepayment premium, if applicable)
8/1/2017	\$126,632.09	\$49,316.52	\$77,316	\$1,593,628.44	\$1,625,501.00
2/1/2018	25,577.74	25,577.74	0	1,593,628.44	\$1,625,501.00
8/1/2018	106,295.19	25,577.74	80,717	1,512,910.99	\$1,543,169.21
2/1/2019	24,282.22	24,282.22	0	1,512,910.99	\$1,543,169.21
8/1/2019	110,533.36	26,514.41	84,019	1,567,969.48	\$1,599,328.87
2/1/2020	28,230.77	25,165.91	3,065	1,564,904.62	\$1,596,202.72
8/1/2020	109,517.56	25,116.72	84,401	1,480,503.79	\$1,510,113.86
2/1/2021	26,926.12	23,762.09	3,164	1,477,339.76	\$1,506,886.55
8/1/2021	108,520.59	23,711.30	84,809	1,392,530.47	\$1,420,381.08
2/1/2022	25,616.53	22,350.11	3,266	1,389,264.05	\$1,417,049.33
8/1/2022	107,673.24	22,297.68	85,376	1,303,888.49	\$1,329,966.26
2/1/2023	24,299.54	20,927.41	3,372	1,300,516.36	\$1,326,526.69
8/1/2023	106,663.82	20,873.29	85,791	1,214,725.84	\$1,239,020.36
2/1/2024	22,977.60	19,496.35	3,481	1,211,244.59	\$1,235,469.48
8/1/2024	105,649.38	19,440.48	86,209	1,125,035.68	\$1,147,536.40
2/1/2025	21,650.72	18,056.82	3,594	1,121,441.78	\$1,132,656.20
8/1/2025	104,784.59	17,999.14	86,785	1,034,656.33	\$1,045,002.90
2/1/2026	20,316.43	16,606.23	3,710	1,030,946.13	\$1,041,255.60
8/1/2026	103,757.69	16,546.68	87,211	943,735.12	\$953,172.48
2/1/2027	18,977.21	15,146.95	3,830	939,904.86	\$949,303.91
8/1/2027	102,725.81	15,085.48	87,640	852,264.53	\$860,787.17
2/1/2028	17,633.04	13,678.84	3,954	848,310.33	\$856,793.43
8/1/2028	101,843.56	13,615.38	88,228	760,082.15	\$767,682.98
2/1/2029	16,281.48	12,199.32	4,082	755,999.99	\$763,560.00
8/1/2029	100,799.19	12,133.80	88,665	667,334.61	\$674,007.95
2/1/2030	14,924.98	10,710.72	4,214	663,120.35	\$669,751.55
8/1/2030	99,749.84	10,643.09	89,107	574,013.59	\$579,753.73
2/1/2031	13,563.55	9,212.92	4,351	569,662.96	\$575,359.59
8/1/2031	98,850.11	9,143.09	89,707	479,955.95	\$484,755.51
2/1/2032	12,194.70	7,703.29	4,491	475,464.54	\$480,219.18
8/1/2032	97,788.27	7,631.20	90,157	385,307.47	\$389,160.55
2/1/2033	10,820.94	6,184.19	4,637	380,670.72	\$384,477.43
8/1/2033	96,721.44	6,109.77	90,612	290,059.05	\$292,959.64
2/1/2034	9,442.25	4,655.45	4,787	285,272.25	\$288,124.97
8/1/2034	95,804.22	4,578.62	91,226	194,046.65	\$195,987.12
2/1/2035	8,056.15	3,114.45	4,942	189,104.95	\$190,996.00
8/1/2035	94,724.90	3,035.14	91,690	97,415.19	\$98,389.34
2/1/2036	6,665.13	1,563.51	5,102	92,313.57	\$93,236.71
8/1/2036	93,795.20	1,481.63	92,314	0.00	\$0.00
Total:	\$2,421,267.14	\$611,245.69	\$1,810,021.45		\$35,433,215.94

* Document Amended 09/10/2019

** See Article IX.