



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE AMENDMENT NO. 1 TO AGREEMENT 3 ENTITLED “SOLAR SYSTEM PERFORMANCE GUARANTEE” (RESOLUTION 16-180) BETWEEN THE COUNTY OF NEVADA AND SUNPOWER CORPORATION, SYSTEMS

WHEREAS, Nevada County entered into Agreement 2 “Solar Installation Agreement” on April 26, 2016 through Resolution 16-177 with SunPower Corporation, Systems to engineer, procure, and construct five solar energy generation projects and Resolution 16-180 approved and authorized Agreement 3 “Solar System Performance Guarantee” which provides for SunPower to compensate Nevada County if the actual energy output of said solar generation facilities is less than 90% of the expected energy output; and

WHEREAS, the Lake of the Pines Wastewater Treatment Plant (10984 Riata Way, Auburn, CA) and the Carl F. Bryan II Juvenile Hall (15434 Highway 49, Nevada City, CA) required a change in equipment that will affect the energy output originally anticipated and it will be necessary to amend Agreement 3 to reflect these changes; and

WHEREAS, the parties desire to amend the Agreement to provide for these changes.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors approves and authorizes the Chair of the Board to execute, in substantially the form attached hereto, Amendment No. 1 to Agreement 3 “Solar System Performance Guarantee” between the County of Nevada and SunPower Corporation, Systems and that in all other respects the prior agreement of the parties shall remain in full force and effect except as amended.