



RESOLUTION No. 18-502

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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of October, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward Scofield, Chair

10/09/2018 cc: Facilities*
AC* (Hold)

11/01/2018 cc: Facilities*
IGS*
Building*
AC* (Release)

**AMENDMENT NO. 1 TO SOLAR SYSTEM PERFORMANCE GUARANTEE AGREEMENT 3
BETWEEN THE COUNTY OF NEVADA AND SUNPOWER CORPORATION, SYSTEMS**

THIS AMENDMENT is executed this 9th day of October, 2018 by and between SUNPOWER CORPORATION, SYSTEMS ("Contractor") and COUNTY OF NEVADA ("Customer"). Said Amendment will amend the prior agreement between the parties entitled SOLAR SYSTEM PERFORMANCE GUARANTEE entered into on April 26, 2016 by Resolution No. 16-180.

WHEREAS, said Agreement 3 provides for the Contractor to compensate Customer if the actual energy output of five solar energy generation projects engineered and constructed by Contractor 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, both parties desire to amend the Agreement to provide for these changes.

NOW, THEREFORE, the parties hereto agree as follows:

1. This amendment shall be effective as of October 9, 2018.
2. **EXHIBIT A** is hereby amended and replaced in its entirety by the following:

EXHIBIT A: SOLAR POWER SYSTEM

Solar Power System Name and Solar Agreement	Solar Power System Location/Address
1. Admin Center – 469.8 kWdc, Carport	1. Admin Center – 950 Maidu Ave, Nevada City, CA 95959
2. Wayne Brown CF – 313.2 kWdc, Carport	2. Wayne Brown CF – 925 Maidu Ave, Nevada City, CA 95959
3. Carl Bryan JH – 93.15 kWdc, Roof Single Tilt	3. Carl Bryan JH – 15434 CA-49, Nevada City, CA 95959
4. WWTP LOP – 365.4 kWdc, Ground Fixed Tilt	4. WWTP LOP – 10984 Riata Way, Auburn, CA 95602
5. Ranch – 1200.6 kWdc, Ground Fixed Tilt	5. Ranch – 16782 CA-49, Nevada City, CA 95959

3. **EXHIBIT B** is hereby amended and replaced in its entirety by the following:

EXHIBIT B: EXPECTED ENERGY

Site #	Annual kWh					Total
	1	2	3	4	5	
Guarantee Year	Admin Center	Wayne Brown CF	Carl Bryan JH	WWTP LOP	Ranch	Total
1	804,206	538,240	151,364	601,433	2,109,811	4,205,054
2	802,195	536,894	150,986	599,929	2,104,536	4,194,540
3	800,190	535,552	150,608	598,430	2,099,275	4,184,055
4	798,190	534,213	150,232	596,934	2,094,027	4,173,596
5	796,194	532,878	149,856	595,441	2,088,792	4,163,161
6	794,204	531,546	149,481	593,953	2,083,570	4,152,754
7	792,218	530,217	149,108	592,468	2,078,361	4,142,372
8	790,238	528,891	148,735	590,987	2,073,165	4,132,016
9	788,262	527,569	148,363	589,509	2,067,982	4,121,685
10	786,291	526,250	147,992	588,035	2,062,812	4,111,380
Total	7,952,188	5,322,250	1,496,725	5,947,118	20,862,331	41,580,612

4. **EXHIBIT D** is hereby amended and replaced in its entirety by the following:

Site #	Typical Monthly AC Energy (kWh)					Total
	1	2	3	4	5	
Guarantee Year	Admin Center	Wayne Brown CF	Carl Bryan JH	WWTP LOP	Ranch	Total
Jan	36,437	24,553	6,567	26,931	102,161	196,649
Feb	41,611	27,954	7,764	31,523	113,694	222,546
Mar	63,907	42,804	12,056	47,907	169,721	336,395
Apr	75,467	50,442	14,282	57,748	195,049	392,988
May	92,104	61,446	17,516	69,759	233,523	474,348
Jun	95,873	63,923	18,299	71,326	240,935	490,356
Jul	99,634	66,476	18,960	72,844	252,331	510,245
Aug	91,816	61,371	17,612	69,588	237,210	477,597
Sep	75,863	50,810	14,273	56,343	200,968	398,257
Oct	59,738	40,117	11,216	44,130	163,111	318,312
Nov	39,606	26,665	7,289	29,113	110,528	213,201
Dec	32,150	21,679	5,530	24,222	90,580	174,161
Annual	804,206	538,240	151,364	601,433	2,109,811	4,205,055

5. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

APPROVED AS TO FORM:
COUNTY COUNSEL

By: 

COUNTY OF NEVADA

By: 
Honorable Edward C. Scofield
Chair of the Board of Supervisors

ATTEST:

By: 
Julie Patterson Hunter
Clerk of the Board of Supervisors

SUNPOWER CORPORATION, SYSTEMS:

By: 