

Attachment 1

RESOLUTION 24-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE PASO ROBLES APPROVING AMENDMENT NO. 5 TO THE AIRPORT SOLAR POWER PURCHASE AGREEMENT

WHEREAS, the City entered into a Solar Power & Services Agreement (PPA) with SunEdison Government Solutions, LLC date December 29, 2015 for the development and operation of solar photovoltaic farm to be located on various properties owned by the City, including the Paso Robles Airport.

WHEREAS, Sun Edison Government Solutions assigned its interests in the PPA as of September 12, 2016 to SunE- Sunset Holdings¹, LLC, a wholly-owned subsidiary of Onyx Renewables Partners L.P.

WHEREAS, on September 27, 2023 SunE Sunset Holdings¹, LLC assigned its right, title, interests, and obligations in the PPA to Obsidian II West Coast Holding LLC pursuant to Section 13.1 of the Special Terms. Obsidian II West Coast Holding LLC is an Affiliate of SunE Sunset Holdings¹, LLC.

WHEREAS, the PPA guaranteed commercial operation date of 180 days from the start of construction.

WHEREAS, construction officially started July 3, 2023, meaning commercial operation was to commence December 30, 2023.

WHEREAS, as a result of supply chain shortages and scheduling delays with PG&E, Onyx Renewables is requesting the Commercial Operation date be changed to March 31, 2024.

WHEREAS, significant progress is being made to overcome supply chain challenges, construction is nearly completed, and commercial operation is likely to happen well before the requested schedule extension.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378, because it can be seen with certainty the activity will not result in a physical change in the environment.

Section 3. The City of Paso Robles City Council hereby approves and authorizes the City Manager to sign Amendment No. 5 to the PPA with Obsidian II West Coast Holding LLC.

Section 4. This Resolution shall take effect on the date it is approved by the City Council.

APPROVED this 16th day of January, 2024, by the following vote:

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AYES:

NOES:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk