

RESOLUTION NO. 2012-81

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE FIRST AMENDMENT TO THE LODI
ENERGY CENTER PROJECT MANAGEMENT AND
OPERATION AGREEMENT AND AUTHORIZING
EXECUTION BY THE CITY MANAGER

=====

WHEREAS, the City of Lodi and other participants entered into the Lodi Energy Center Project Management and Operations Agreement (PMOA) dated effective August 1, 2010, for the purpose of governing all matters related to the operations and management of the Lodi Energy Center (LEC); and

WHEREAS, since that time Assembly Bill 32 has been passed by the California State Legislature and signed by the Governor and adopted by the California Air Resources Board (CARB) on October 20, 2011, became final in December 2011, and will impose limits upon Green House Gas emissions commencing January 1, 2013; and

WHEREAS, this First Amendment to the PMOA clarifies NCPA's authority to obtain all necessary federal, state, and local permits, licenses, opinions, and rulings to construct, operate, and maintain the LEC Project in accordance with all legal and regulatory requirements and prudent utility practice which includes, but is not limited to, participation in CARB's Cap-and-Trade Program and the ability to transfer Compliance Instruments between NCPA and LEC Participants; and

WHEREAS, the language of the proposed new Section 3.3c to be included in the First Amendment to the PMOA was reviewed and approved by the LEC Project Participants Committee on March 12, 2012 and by the NCPA Commission on March 22, 2012; and

WHEREAS, the LEC Project Participants Committee will be finalizing a new Schedule 11.00 to be approved by the NCPA Commission; and

WHEREAS, revisions to schedules in the PMOA only require NCPA Commission approval; and

WHEREAS, no significant financial impact is expected from the approval of the First Amendment to the Lodi Energy Center Project Management and Operations Agreement and sufficient funding is included in the FY 2012/13 Budget Account No. 160642.8201.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the First Amendment to the Lodi Energy Center Project Management and Operations Agreement and authorize execution by the City Manager with administration by the Electric Utility Director.

Dated: June 6, 2012

I hereby certify that Resolution No. 2012-81 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 6, 2012, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi,
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL
City Clerk