

x SIMPLE AMENDMENT
 SUBSTITUTE AMENDMENT
 PROCEDURAL MOTION

MOTION BY ALD. BAUMAN

RELATING TO FILE NO. 191604

VERSION: 2

TITLE: Substitute resolution relating to a lease and service agreement for the construction and operation of a solar photovoltaic system on a City-owned closed landfill at 1600 E College Ave.

ITEM NUMBER: 20

COMMITTEE: Public Works

TEXT OF MOTION

I move to amend Proposed Substitute A of File Number 191604 by amending Section 18 of the "FINAL LEASE WITH EXHIBITS – City of Milwaukee Solar Now" attached thereto, as follows:

18. Marketing. Tenant shall have the exclusive right to own and operate the PV System during the Term. In the event that marketing rights are sold to a third party, Tenant reserves the right to view and approve the content of such third party's marketing program related to the PV System, such approval not be unreasonably withheld. ~~[[In addition, Tenant reserves the right to market that Landlord (as a Customer) is a participant in the "Solar Now" program through a mutually agreeable joint press release. Landlord acknowledges that under the Service Agreement, Tenant may use Landlord's business name and/or website address in Solar Now promotional materials, and Tenant will provide the Landlord with public recognition of Landlord's commitment to renewable energy under the Solar Now program.]]~~

I further move to amend Proposed Substitute A of File Number 191604 by amending EXHIBIT E of the "FINAL LEASE WITH EXHIBITS – City of Milwaukee Solar Now" attached thereto, as follows:

On page E-1, the first sentence is amended to read:

Annual Rent due and payable under this Lease shall be equal to the value of the Midcontinent Independent System Operator ("MISO") accredited capacity of the PV System multiplied by the value of capacity, as defined below, up to Landlord's firm demand at the time this Lease is executed. >>During the term of this Lease

the Annual Rent shall at no time be less than the value assigned at the time this Lease is executed.<<

I further move to amend Proposed Substitute A of File Number 191604 by amending the second Further Resolved clause as follows:

Further Resolved, That when We Energies completes final engineering and receives appropriate permissions from the Federal Aviation Administration, Wisconsin Department of Natural Resources, and Wisconsin Air National Guard, >>and after adoption of the 2020/21 CONE values,<< the proper City officials are authorized to execute a Solar Now energy service agreement and lease agreement for up to 2.25 megawatts of renewable energy in substantially similar form as the attached agreements; and be it

CC File 191604
Luke Knapp
2/19/20