

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 134-18

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs, and possesses attributes of sovereignty over both its members and territory; and

WHEREAS, the Constitution of the Pyramid Lake Paiute Tribe generally authorizes and empowers the Tribal Council to engage in activities on behalf of and in the interest of the welfare and benefits of the Tribe and of the enrolled members thereof; and

WHEREAS, the Constitution, Article VI, Section 1(c), as amended, authorizes the Tribal Council to approve any lease or encumbrance of tribal lands; and

WHEREAS, the Constitution, Article VII, Section 2, further authorizes the Tribal Council to lease tribal lands, with approval of the Secretary of the Interior, for such periods of time as are permitted by law; and

WHEREAS, Boulevard Associates LLC, an affiliate of NextEra Energy Partners LP and a Delaware company, is interested in developing several parcels of land on the Pyramid Lake Paiute Reservation, for the purpose of constructing, operating, and maintaining a solar electric generating facility; and

WHEREAS, Boulevard Associates LLC desires to negotiate with the Tribe to enter into a Lease Agreement for the purpose of constructing, operating, and maintaining a solar electric generating facility on the Pyramid Lake Paiute Reservation; and

WHEREAS, the Tribal Council has determined that it is in the best economic interests of the Tribe to pursue economic development projects that will further the Tribe's goals of self-determination and economic self-sufficiency;

WHEREAS, Boulevard Associates LLC and the Tribal Council have negotiated an Option to Enter into Solar Lease and Development Agreement ("Option Agreement") to give the parties additional time to negotiate the terms and conditions of a potential Lease Agreement; and

WHEREAS, in addition to the Option Fee, the Option Agreement requires Boulevard Associates LLC to compensate the Tribe for the Tribe's development and direct regulatory costs and expenses that will be incurred in the development of the solar electric generating facility on the Reservation; and

WHEREAS, the Option Agreement contains a limited waiver of sovereign immunity for purposes of enforcing the dispute resolution provisions in the Option Agreement.


NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby approves the Option to Enter into Solar Lease and Development Agreement between the Tribe and Boulevard Associates LLC; and

BE IT FURTHER RESOLVED, that the Tribal Council retains the sole right and authority to approve the final Lease Agreement; and

BE IT FINALLY RESOLVED, that the Tribal Council authorizes the Tribal Chairman to execute the Option Agreement, to take any and all actions necessary to implement the Option Agreement and the Tribe's obligations thereunder, and to take any other such actions necessary to accomplish, consummate and give effect to the Option Agreement.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom nine(9) constituting a quorum were present at a special meeting duly held on the 13th day of December, 2018 was adopted by the affirmative vote of eight (8) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



Brenda A. Henry, Tribal Secretary
Pyramid Lake Paiute Tribal Council