

**CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING AUTHORITY**

*Request to Approve an Extension of the 15% Purchase Requirement Timeframe  
and the Initial Term of the Regulatory Agreement<sup>1</sup>*

**HZI Lancaster, LLC  
Application No. 21-SM023**

**Tuesday, February 20, 2024**

Prepared By: *Katrina Walters-White, Program Analyst*

**SUMMARY**

**Applicant** – HZI Lancaster, LLC

**Location** – Lancaster, Los Angeles County

**Industry** – Biogas Capture and Production

**Project** – New Biogas Capture and Production Facility (Alternative Source)

**Total Amount Qualified Property Approved** – \$27,231,400

**Estimated Sales and Use Tax Exclusion Amount at Approval<sup>2</sup>** – \$2,314,669

**Amount of Time Requested** –

- Requesting a one (1)-year extension, until March 16, 2025, for the 15% purchase requirement timeframe (four (4) years from the date of initial CAEATFA Board approval)
- Requesting a two (2)-year extension, until March 16, 2026, for the initial term of the Regulatory Agreement (five (5) years from the date of initial CAEATFA Board approval)

**Staff Recommendation** – Approval

---

---

<sup>1</sup> All capitalized terms not defined in this document are defined in the Sales and Use Tax Exclusion Program’s statutes and regulations.

<sup>2</sup> This amount is calculated based on the average statewide sales tax rate of 8.5%.

**REQUEST**

On March 16, 2021, the CAEATFA Board approved a sales and use tax exclusion (“STE”) for HZI Lancaster, LLC (the “Applicant”) for the purchase of up to \$27,231,400 in Qualified Property to build a new biogas capture and production facility (the “Project”). The Regulatory Agreement (“Agreement”) provided the Applicant with 18 months from the date of CAEATFA Board approval to purchase or execute purchase orders for at least 15% of the total Qualified Property amount approved.<sup>3</sup> Also, the Agreement initial term provided the Applicant with three (3) years from the date of CAEATFA Board approval to utilize its STE award.<sup>4</sup> On August 16, 2022, the CAEATFA Board approved the Applicant for a one (1)-year and six (6)-month extension of the initial term of the Agreement from its original termination date of March 16, 2024 to accommodate delays stemming from a geotechnical survey that caused the facility to be re-designed and re-engineered.

As of December 1, 2023, the Applicant has not used the STE to purchase Qualified Property. The Applicant is requesting to extend the 15% purchase requirement timeframe by one (1) year to accommodate delays related to supply chain, complex siting and feedstock issues. The Applicant is also requesting to extend the Agreement’s initial term by two (2) years for the same accommodations.

The CAEATFA Board can extend the 15% purchase requirement timeframe upon a finding of extraordinary circumstances and that an extension is in the public interest and advances the purposes of the STE Program.<sup>5</sup>

The CAEATFA Board can extend the initial term of the Agreement upon a finding that an extension is in the public interest and advances the purposes of the STE Program.<sup>6</sup>

According to the Applicant, the initial timeline for the project has delayed due to the lingering effects that COVID-19 has had on the supply chain and increased cost of machinery. Although the price increases remain unabated, the Applicant states the supply chain issues have begun to normalize. The Applicant anticipates to place orders in the revised time frame of approximately July 2024 through November 2024, and finalize the project and procurement by February 2025.

**THE APPLICANT**

HZI Lancaster, LLC (the “Applicant”), is a California limited liability company that formed in 2020. The Applicant is a wholly-owned subsidiary of Hitachi Zosen Inova U.S.A. Holding, Inc. (“HZIU Holding”), which has been the owner and developer of Kompogas anaerobic digestion projects in the United States since 1991.

---

<sup>3</sup> California Code of Regulations Title 4, Division 13, Section 10035(b)(1)

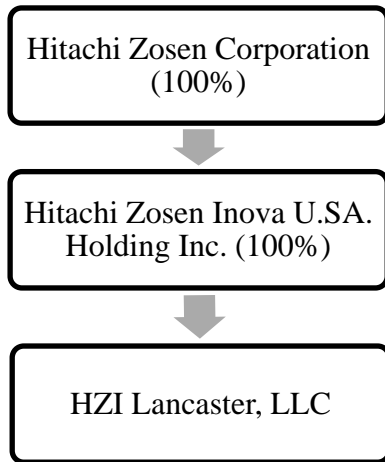
<sup>4</sup> California Code of Regulations Title 4, Division 13, Section 10035(b)(1)(A)

<sup>5</sup> California Code of Regulations Title 4, Division 13, Section 10035(b)(1)(A)

<sup>6</sup> California Code of Regulations Title 4, Division 13, Section 10035(b)(1)(B)

HZIU Kompogas SLO Inc., a subsidiary of HZIU Holding, received an STE award on February 21, 2017, for the purchase of up to \$7,104,020 in Qualified Property for an estimated STE of \$598,158 to build a new biomass processing and fuel production facility in San Luis Obispo, which is complete and began operations at the end of 2018.

The chain of ownership of the Applicant is as follows:



The company officers of the Applicant are:

Heath Jones, Managing Member  
Mike Phillips, CFO & Director  
Autumn Huskins, Secretary

### **THE PROJECT**

HZI Lancaster, LLC, requested an STE award to build a new biogas capture and production facility located in Lancaster (the “Project”). The Project will be developed in partnership with Waste Management and will be located at Waste Management’s Lancaster Landfill & Recycling Center. The Project will use an anaerobic digester to convert organic waste into biogas, compost, and liquid fertilizer. The Project will then process the biogas through a gas cleanup system to produce Renewable Natural Gas (“RNG”). The Applicant states that the RNG will be injected into the Southern California Gas Company (“SoCalGas”) pipeline to be used as transportation fuel.

### **15% PURCHASE REQUIREMENT TIMEFRAME EXTENSION REQUEST**

The Applicant has requested that the 15% purchase requirement timeframe be extended from March 16, 2024, to March 16, 2025, in order to accommodate delays related to complex siting, supply chain and feedstock issues.

### **AGREEMENT INITIAL TERM EXTENSION REQUEST**

The Applicant has requested that the initial term of the Agreement be extended from March 16, 2024 to March 16, 2026, in order to accommodate delays related to complex siting, supply chain and feedstock issues.

**Staff Evaluation**

As stated in its request, the Applicant cited that the pandemic and its collateral effect on the economy have impacted the Project’s timeline. Namely, delays in the supply chain have resulted in 36- to 48-month delays for engineered machinery. Additionally, prices for steel, plant equipment, machinery, parts, and services have increased. The Applicant has overcome some of these challenges by spending countless man hours and completed all the work to date using its own budget, without incurring any qualified purchases. The scope of the project is unchanged.

Based on this information, Staff believes these are extraordinary circumstances, and that extending the 15% purchase requirement timeframe will allow for the Project to be completed, and is, therefore, in the public interest and advances the purposes of the STE Program. Staff also believes extending the initial term of the Agreement will allow for the Project to be completed, and is, therefore, in the public interest and advances the purposes of the STE Program.

**LEGAL QUESTIONNAIRE**

Staff reviewed the Applicant’s responses to the questions contained in the Legal Status portion of the Application. The responses did not disclose any information that raises questions concerning the financial viability or legal integrity of this Applicant.

**CAEATFA FEES**

In accordance with STE Program regulations,<sup>7</sup> the Applicant has paid an additional fee of \$2,200 because extending the 15% purchase requirement timeframe and the initial term qualifies as a modification to the Applicant’s Agreement.

**RECOMMENDATION**

Staff recommends that the Board approve the Applicant’s request to extend the 15% purchase requirement timeframe by one (1) year to March 16, 2025, as the Applicant has demonstrated extraordinary circumstances, and it is in the public interest and advances the purposes of the STE Program.

Staff recommends that the Board approve the Applicant’s request to extend the initial term of the Agreement by two (2) years to March 16, 2026, as it is in the public interest and advances the purposes of the STE Program.

**Attachments**

- Attachment A: HZI Lancaster, LLC ’s letter requesting waiver (December 1, 2023)
- Attachment B: HZI Lancaster, LLC ’s staff summary at the time of approval

---

<sup>7</sup> California Code of Regulations Title 4, Division 13, Section 10036(c)(1)(C)

**RESOLUTION APPROVING AN EXTENSION OF  
HZI LANCASTER LLC’S 15% PURCHASE REQUIREMENT TIMEFRAME  
AND THE INITIAL TERM UNDER THE REGULATORY AGREEMENT**

February 20, 2024

WHEREAS, on March 16, 2021 the California Alternative Energy and Advanced Transportation Financing Authority (the “Authority”), a public instrumentality of the State of California, approved a Sales Tax Exclusion (“STE”) in the amount of \$27,231,400 of Qualified Property for **HZI Lancaster, LLC** (the “Applicant”); and

WHEREAS, within 18 months of approval by the Authority, the Applicant must purchase or execute purchase orders for at least 15% of the total amount of Qualified Property listed in the approval resolution (STE Program regulations Section 10035(b)(1)); and

WHEREAS, upon a finding of extraordinary circumstances and that it is in the public interest and advances the purposes of the Program, the Authority may waive the requirement that the Applicant must purchase or execute purchase orders for at least 15% of the total amount of Qualified Property within 18 months of Application approval (STE Program regulations Section 10035(b)(1)(A)); and

WHEREAS, the Applicant has requested a waiver of the requirement to purchase or execute purchase orders for at least 15% of the Qualified Property amount within 18 months due to unexpected delays in the Project timeline, extending the term by one (1) year to March 16, 2025; and

WHEREAS, the Applicant has demonstrated extraordinary circumstances as to why it cannot meet the 18-month 15% purchase requirement timeframe; and

WHEREAS, within three (3) years of approval by the Authority, the Applicant must make all Qualified Property purchases (STE Program regulations Section 10035(b)(1)); and

WHEREAS, upon a finding that it is in the public interest and advances the purposes of the Program, the Authority may waive the requirement that all purchases of Qualified Property be made within three (3) years of Application approval (STE Program regulations Section 10035(b)(1)(B)); and

WHEREAS, the Applicant previously had requested a waiver of the requirement to purchase all of the Qualified Property within three (3) years due to unexpected delays in the Project timeline, extending the 15% term by one (1) year and six (6) months to March 16, 2024; and

WHEREAS, the Applicant has requested a waiver of the requirement to purchase all of the Qualified Property within three (3) years/by March 16, 2024, due to unexpected delays in the Project timeline, extending the term by two (2) years to March 16, 2026; and

**Agenda Item – 4.B.1**  
**Resolution No. 21-SM023-02**

WHEREAS, granting the waivers will allow the Project to proceed and the state to receive the anticipated environmental and economic benefits that justified the initial approval of the Project in accordance with the law, thereby advancing both the public interest and the purposes of the Program.

NOW, THEREFORE, BE IT RESOLVED by the California Alternative Energy and Advanced Transportation Financing Authority, as follows:

Section 1. The Authority finds these are extraordinary circumstances and that it is in the public interest and advances the purposes of the Program to extend the Applicant's deadline to meet the 15% purchase requirement to March 16, 2025.

Section 2. The Authority finds that it is in the public interest and advances the purposes of the Program to extend the Applicant's initial term of the Regulatory Agreement to March 16, 2026.

Section 3. This resolution shall take effect immediately upon its passage.

**Attachment A: HZI Lancaster LLC’s Letter  
Requesting Waiver (December 1, 2023)**



**Hitachi Zosen Inova U.S.A LLC**  
10025 Investment Drive  
Knoxville, TN 37932  
Suite 200

Heath Jones  
Managing Director  
Heath.Jones@hz-inova.com

[www.hz-inova.com](http://www.hz-inova.com)

December 1, 2023

California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA)  
c/o California State Treasurer’s Office  
901 P Street  
Sacramento, CA 95814

RE: Request for Extension of Sales Tax Award (21-SM023)

Dear CAEATFA Board of Directors:

We are writing to request your kind consideration to extend the Sales Tax Exemption (STE) award for HZI Lancaster, LLC (21-SM023). The STE award is integral to the financing and construction of the Lancaster Organics Waste Conversion (LOW-C) anaerobic digestion facility. LOW-C is a groundbreaking project that reduces methane emissions, creates organic compost and fertilizer, lowers vehicle miles traveled, and supports CA SB1383 requiring municipalities to divert organic waste from landfills.

We will be purchasing qualified equipment, and constructing the facility with state-of-the-art technology. In the course of development of this almost \$100 million project, we have faced several delays related to complex siting, supply chain and feedstock issues. Nonetheless, the project is proceeding successfully, and we kindly request a 12-month extension of the March 2024 deadline to be prudent. HZI has spent countless man hours and completed all of the work to date using its own budget, without incurring any Qualified Purchases. Several rounds of bids have been conducted. The scope of the project has not changed, and it will serve hundreds of thousands of residents in the Antelope Valley.

For these reasons, we would very much appreciate an extension of the award that will provide critical support to this important project.

Please do not hesitate to contact me if I may provide any further information.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Heath Jones".

Heath Jones  
Managing Director

**Attachment B: HZI Lancaster LLC’s Staff Summary  
at the Time of Approval**

Agenda Item – 4.G.23  
Resolution No. 21-SM023  
Application No. 21-SM023

**CALIFORNIA ALTERNATIVE ENERGY AND  
ADVANCED TRANSPORTATION FINANCING AUTHORITY**

*Request to Approve Project for a Sales and Use Tax Exclusion<sup>1</sup>*

HZI Lancaster, LLC  
Application No. 21-SM023

Tuesday, March 16, 2021

Prepared By: *Matthew Jumps, Program Analyst*

**SUMMARY**

**Applicant** – HZI Lancaster, LLC

**Location** – Lancaster, Los Angeles County

**Industry** – Biogas Capture and Production

**Project** – New Biogas Capture and Production Facility (Alternative Source)

Value of Qualified Property	Estimated Sales and Use Tax Exclusion (“STE”) Amount <sup>2</sup>
\$27,231,400	\$2,314,669

Estimated Net Benefit <sup>3</sup>	Dollar Value	Points Earned
Estimated Fiscal Benefits	\$5,215,414	2,253
Estimated Environmental Benefits	\$1,678,109	725
Additional Benefits	N/A	128
<b>Total</b>	<b>\$6,893,523</b>	<b>3,106</b>
<b>Estimated Quantifiable Net Benefit</b>	<b>\$4,578,854</b>	

**Staff Recommendation** – Approval

---

<sup>1</sup> All capitalized terms not defined in this document are defined in the STE Program’s statutes and regulations.

<sup>2</sup> This amount is calculated based on the average statewide sales tax rate of 8.5%.

<sup>3</sup> Applications that earn a Total Score of at least 1,000 points and an Environmental Benefits Score of over 20 points may be recommended for approval. (California Code of Regulations Title 4, Division 13, Section 10033(c)(6).)

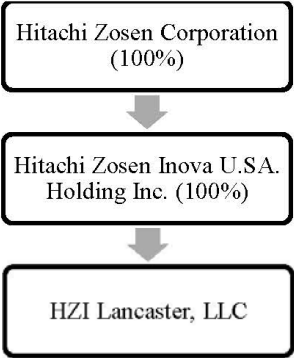


**THE APPLICANT**

HZI Lancaster, LLC (the “Applicant”), is a California limited liability company that formed in 2020. The Applicant is a wholly owned subsidiary of Hitachi Zosen Inova U.S.A. Holding, Inc. (“HZIU Holding”), which has been the owner and developer of Kompogas anaerobic digestion projects in the United States since 1991.

HZIU Kompogas SLO Inc., a subsidiary of HZIU Holding, received an STE award on February 21, 2017, for the purchase of up to \$7,104,020 in Qualified Property for an estimated STE of \$598,158 to build a new biomass processing and fuel production facility in San Luis Obispo, which is complete and began operations at the end of 2018.

The chain of ownership of the Applicant is as follows:



The company officers of the Applicant are:

- Heath Jones, Managing Member
- Mike Phillips, CFO & Director
- Autumn Huskins, Secretary

**THE PROJECT**

HZI Lancaster, LLC, is requesting an STE award to build a new biogas capture and production facility located in Lancaster (the “Project”). The Project will be developed in partnership with Waste Management and will be located at Waste Management’s Lancaster Landfill & Recycling Center. The Project will use an anaerobic digester to convert organic waste into biogas, compost, and liquid fertilizer. The Project will then process the biogas through a gas cleanup system to produce Renewable Natural Gas (“RNG”). The Applicant states that the RNG will be injected into the Southern California Gas Company (“SoCalGas”) pipeline to be used as transportation fuel.

**Agenda Item – 4.B.1  
Resolution No. 21-SM023-02**

**Agenda Item – 4.G.23  
Resolution No. 21-SM023  
Application No. 21-SM023**

**ANTICIPATED COSTS OF QUALIFIED PROPERTY**

The anticipated Qualified Property purchases are listed below:

Anaerobic Digester	\$13,181,000
Gas Cleanup System	\$11,950,400
Interconnection to Grid	\$2,100,000
<b>Total</b>	<b><u>\$27,231,400</u></b>

*Note: The Qualified Property purchases reported in the Application and shown here in staff's report are estimated costs. At the termination of the Regulatory Agreement, a finalized Project equipment list will be prepared detailing the value of the Project equipment actually acquired, and the estimated tax benefit realized pursuant to Revenue and Tax Code Section 6010.8. Variance from the costs shown in the Application and in this report may occur prior to the closing due to increased costs of certain components of the Project over original estimates, and other reasons. In addition, those costs may vary after closing due to increased costs, as well as common design and equipment modifications during construction, differences in equipment due to future changes in statute or regulation, or for other reasons.*

**TIMELINE**

According to the Applicant, it has completed the design and engineering of the Project and is nearing completion of the permitting process. The Applicant states that the anaerobic digester, the gas cleanup system, and the interconnection to the SoCalGas pipeline are on track to be constructed by the end of 2022 and begin operations by July 2023.

**STATUS OF PERMITS/OTHER REQUIRED APPROVALS**

The Applicant states it is in discussion with the South Coast Air Quality Management District ("SCAQMD") to obtain an Authority to Construct permit and expects to obtain approval by June 2021. The Applicant states it will apply for a Permit to Operate from SCAQMD by November 2022. The Project will also require two separate National Pollutant Discharge Elimination System permits from the Lahontan Regional Water Quality Control Board, including a stormwater pollution prevention plan, for both construction and operations. The Applicant also states that it has acquired a foundation construction permit from the Los Angeles County and will be required to secure permits for building and grading as the Project progresses. The Applicant explains the Project will be built at an existing facility that has a Conditional Use Permit ("CUP"), which has been approved under the California Environmental Quality Act, and the Applicant is planning to file a modification to the CUP with Los Angeles County by the end of March 2021.

**PROJECT EVALUATION**

**PROJECT BENEFITS**

The Project received a Total Score of 3,106 points, which exceeds the required 1,000-point threshold, and a total Environmental Benefits Score of 725 points, which exceeds the 20-point threshold.

- A. **Fiscal Benefits (2,253 points)**. The net present value of the total fiscal benefits over the lifetime of the Qualified Property is derived from the Applicant’s sales and use taxes, personal income taxes paid by the firm’s employees, firm taxes on profits, property taxes, and other indirect fiscal benefits of the Applicant. The total fiscal benefits amount to \$5,215,414, resulting in a Fiscal Benefits score of 2,253.
  
- B. **Environmental Benefits (725 points)**. The Project is anticipated to result in \$1,678,109 of total pollution benefits over the life of the Project, resulting in an Environmental Benefits Score of 725 points. These benefits derive from the production of biogas, which offsets the need for the use of fossil methane.
  
- C. **Additional Benefits (128 points)**. Applicants may earn additional points for their Total Score. The Applicant received 128 additional points.
  - 1. **Production Jobs (20 of 75 points)**. The Applicant anticipates the Project will support a total of 17 production-related jobs at its Facility. CAEATFA estimates that approximately 1.65 of these jobs will be attributable to a marginal increase in jobs created due to the STE. Based on the amount of STE per estimated number of jobs created, the Applicant earned 20 points.
  
  - 2. **Construction Jobs (30 of 75 points)**. The Applicant anticipates the Project will support a total of 46 construction jobs at its Facility. CAEATFA estimates that approximately 4.47 of these jobs will be attributable to a marginal increase in jobs created due to the STE. Based on the amount of STE per estimated number of jobs created, the Applicant earned 30 points.
  
  - 3. **Unemployment (28 of 50 points)**. The Applicant’s Project is located in Los Angeles County, which has an average annual unemployment rate of 11.6%.<sup>4</sup> When compared to the statewide average annual unemployment rate of 9.1%, the Project location earned the Applicant 28 points.
  
  - 4. **Research and Development Facilities (25 of 25 points)**. The Applicant has verified that it has a facility located in California that performs research and development functions related to biomass conversion and biogas production.

---

<sup>4</sup> Unemployment rates are based on data available in October 2020.

**Agenda Item – 4.B.1  
Resolution No. 21-SM023-02**

**Agenda Item – 4.G.23  
Resolution No. 21-SM023  
Application No. 21-SM023**

5. **Benefits and Fringe Benefits (25 of 25 Points).** The Applicant states it provides medical, health, dental, vision, bonuses, retirement contributions, and paid leave to its employees, earning the Applicant 25 points.

**LEGAL QUESTIONNAIRE**

Staff reviewed the Applicant's responses to the questions contained in the Legal Status portion of the Application. The responses did not disclose any information that raises questions concerning the financial viability or legal integrity of this Applicant.

**CAEATFA FEES**

In accordance with CAEATFA Regulations,<sup>5</sup> the Applicant has paid CAEATFA an Application Fee of \$10,000, and will pay CAEATFA an Administrative Fee of up to \$108,925.60.

**RECOMMENDATION**

Staff recommends the approval of Resolution No. 21-SM023 for HZI Lancaster, LLC's purchase of qualifying tangible personal property in an amount not to exceed \$27,231,400, anticipated to result in an approximate STE value of \$2,314,669.

---

<sup>5</sup> California Code of Regulations Title 4, Division 13, Section 10036.

**Agenda Item – 4.B.1**  
**Resolution No. 21-SM023-02**

**Agenda Item – 4.G.23**  
**Resolution No. 21-SM023**  
**Application No. 21-SM023**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A  
REGULATORY AGREEMENT WITH HZI LANCASTER, LLC**

**March 16, 2021**

WHEREAS, the California Alternative Energy and Advanced Transportation Financing Authority (the “Authority”) has received the Application of **HZI Lancaster, LLC** (the “Applicant”), for financial assistance under the Sales and Use Tax Exclusion Program, as established in Public Resources Code Section 26011.8; and

WHEREAS, the Applicant qualifies as a Participating Party under Public Resources Code Section 26011.8 and Revenue and Taxation Code Section 6010.8; and

WHEREAS, the Applicant’s qualifying tangible personal property meets the requirements of a Project under Public Resources Code Section 26011.8 and Revenue and Taxation Code Section 6010.8 (the “Project”); and

WHEREAS, after the Authority approves an Application, the Authority enters into a Regulatory Agreement, as described in Authority Regulations Section 10030(a), with the Applicant for the Project; and

WHEREAS, the Applicant has estimated the Project has an estimated cost not to exceed \$27,231,400 over a period of three years; and

WHEREAS, the Applicant asserts that this form of financial assistance will enable it to avail itself of the benefits of an exclusion from sales and use taxes relative to the Project pursuant to Revenue and Taxation Code Section 6010.8; and

WHEREAS, the approval of the terms of the Regulatory Agreement and authority for the Executive Director or Chair of the Authority to execute the necessary documents to effectuate the Regulatory Agreement is now sought;

NOW, THEREFORE, BE IT RESOLVED by the California Alternative Energy and Advanced Transportation Financing Authority, as follows:

Section 1. The Regulatory Agreement includes a Project within the meaning of Public Resources Code Section 26003(a)(8)(B).

Section 2. The Regulatory Agreement constitutes financial assistance within the meaning of Public Resources Code Section 26003(a)(6).

Section 3. The Applicant is a participating party within the meaning of Public Resources Code Section 26003(a)(7).

Section 4. The Executive Director or Chair of the Authority (the “Authorized Signatories”) are hereby authorized for and on behalf of the Authority to approve any changes to the Project as the Authorized Signatories deem appropriate, provided that the amount of the

**Agenda Item – 4.B.1**  
**Resolution No. 21-SM023-02**

**Agenda Item – 4.G.23**  
**Resolution No. 21-SM023**  
**Application No. 21-SM023**

qualifying tangible personal property to be purchased for the Project may not be increased above the amount approved by the Authority.

Section 5. The proposed form of the Regulatory Agreement between the Applicant and the Authority, as filed with the Authority prior to this public meeting, is hereby approved. For, on behalf and in the name of the Authority, the Authorized Signatories are hereby authorized and directed to execute, acknowledge, and deliver to the Applicant the Regulatory Agreement in substantially the form filed with or approved by the Authority.

The Regulatory Agreement may contain insertions, deletions or changes as the Authorized Signatories executing the Regulatory Agreement may require or approve, including particular information inserted in substantial conformance with the staff summary and in the Application to the Authority. The approval of the Regulatory Agreement will be conclusively evidenced by the execution and delivery of the final Regulatory Agreement.

The Authority understands and agrees that, pursuant to the terms of the Regulatory Agreement, the obligations of the Applicant, under some circumstances, may be carried out or assumed by a successor or assignee entity, or by an affiliate of the Applicant.

Section 6. Each of the Authorized Signatories, acting alone, is hereby authorized and directed to do any and all ministerial acts, including, without limitation, the execution and delivery of any and all documents and certificates they may deem necessary or advisable to consummate the Regulatory Agreement and otherwise effectuate the purposes of this Resolution.

Section 7. The Applicant shall ensure that all of the qualifying tangible personal property acquired as part of the Project that is listed in the semi-annual reports provided to the Authority pursuant to the Regulatory Agreement will be installed, maintained and operated in compliance with all applicable local, state and federal laws.

Section 8. The Regulatory Agreement shall only apply to qualifying tangible personal property acquired as part of the Project that the Applicant certifies will be installed, maintained and operated at facilities physically located within the State of California.

Section 9. Neither the adoption by the Authority of this Resolution for the Applicant nor the Regulatory Agreement may be referred to in any application before any governmental agency as evidence of the feasibility, practicality or suitability of the Project and may not be referred to in any application for any required permission or authority to acquire, construct or operate the Project.

Section 10. This Resolution is effective immediately and will remain in full force and effect unless the Regulatory Agreement is not executed within thirty (30) days of the date of this Resolution. The Executive Director may extend the thirty (30) days if necessary.