

## **RESOLUTION NO. 2016-05-03**

### **AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE MUNICIPAL ENERGY AGENCY OF NEBRASKA CONCERNING RIGHTS TO NETWORK INTEGRATION TRANSMISSION SERVICES**

**WHEREAS**, both the Municipal Energy Agency of Nebraska (“MEAN”) and the City have the authority to contract for the purchase, exchange, and transmission of electric power and energy; and

**WHEREAS**, the City has executed the Electrical Resources Pooling Agreement with MEAN as well as a Schedule M agreement under which the City purchases its total requirements power supply from MEAN above and beyond power the City purchases from the Western Area Power Administration (hereinafter called “Western”); and

**WHEREAS**, the City has an agreement with Western for Network Integration Transmission Service (“hereinafter called “NITS”) to provide the transmission of energy purchased by the City from MEAN across Western owned transmission lines; and

**WHEREAS**, the City and MEAN in order to mitigate potential risk under the Federal Energy Regulatory Commission (hereinafter called “FERC”) rules and regulations find it advantageous to terminate the City’s NITS agreement and allow for MEAN to maintain its current NITS service for the purpose of supplying power to the City; and

**WHEREAS**, circumstances may arise in the future that result in the City no longer receiving power resources from MEAN but that the City will require a NITS agreement to carry resources from other providers; and

**WHEREAS**, through an agreement the City will terminate its rights to transmission capacity under its NITS agreement for the duration of the City’s involvement in MEAN and MEAN under an agreement agrees to cooperate with Western and the City to restore such rights upon the City’s termination of participation in MEAN.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:**

**Sec. 1:** The Mayor is hereby authorized to execute the **AGREEMENT BETWEEN THE MUNICIPAL ENERGY AGENCY OF NEBRASKA AND THE CITY OF FORT MORGAN CONCERNING RIGHTS TO NETWORK INTEGRATION TRANSMISSION SERVICES** attached hereto as Exhibit A.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of May, 2016, the vote upon roll call being as follows:

Ayes: Mayor Shaver, Councilmembers Anderson, Castoe, Lindell, Marler and Northrup.

Nays: None.

Absent / ~~Abstain~~: Councilmember Segura Absent (excused)



THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

BY: Ronald Shaver  
Mayor Ronald Shaver

ATTEST: John Brennan  
John Brennan, City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss. **CERTIFICATE**  
CITY OF FORT MORGAN )

I, John Brennan, City Clerk for the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the Council of Fort Morgan, Colorado, and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fort Morgan this 3<sup>rd</sup> day of May, 2016.

John Brennan  
John Brennan, City Clerk