

ORDINANCE NO. 1295

AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF THE AMENDED AND RESTATED TOTAL POWER REQUIREMENTS POWER PURCHASE AGREEMENT BY THE CITY OF FORT MORGAN, COLORADO, WITH THE MUNICIPAL ENERGY AGENCY OF NEBRASKA; TO ACKNOWLEDGE AND PROVIDE FOR LIMITATIONS ON USE OF THE ELECTRICITY; TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED by the Mayor and City Council of the City of Fort Morgan, Colorado, as follows:

Section 1. The City Council hereby finds and declares it to be in the public interest and in the interest of the customers of the City's electric utility that the City adopt and execute Service Schedule M, Amended and Restated Total Power Requirements Power Purchase Agreement, with the Municipal Energy Agency of Nebraska ("MEAN").

Section 2. It is hereby ordered and directed that the City of Fort Morgan Colorado, acting through its Mayor and City Clerk, execute Service Schedule M, Amended and Restated Total Power Requirements Power Purchase Agreement, a copy of the schedule being attached hereto and made a part hereof.

Section 3. The City of Fort Morgan Colorado, does hereby adopt and approve each of the objectives, terms and conditions set forth in Service Schedule M.

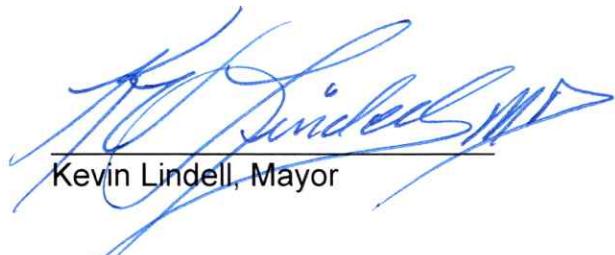
Section 4. This ordinance shall be in full force and take effect after its passage, approval and publication as provided by law.

Section 5. The City acknowledges that certain of the generating facilities used by MEAN to provide electricity to the City have been financed with tax-exempt bonds and the use of the electric output of such generating facilities is restricted by federal tax regulations. In order to permit MEAN to comply with such federal tax regulations, the City agrees to use all of the electricity delivered to it by MEAN solely to serve customers in its long-term service area pursuant to generally applicable and uniformly applied rates and charges. "Long-term service area" means any area that the City has provided electric service to for at least ten years. Any other use, resale or remarketing of the electricity delivered by MEAN to the City must be approved in writing by MEAN.

INTRODUCED, READ, AND ADOPTED on first reading and ordered published on the 30th day of February, 2024.

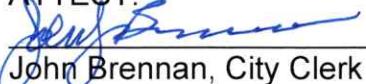


THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO



Kevin Lindell, Mayor

ATTEST:



John Brennan, City Clerk



ATTEST:



John Brennan, City Clerk

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

CERTIFICATE

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing Ordinance No. 1295 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 20th day of February, 2024. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 23rd day of February, 2024, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 5th day of March, 2024. Within five (5) days after its final passage, said Ordinance No. 1294 was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan, City Clerk