

RESOLUTION NO. R2016- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DENTON, A TEXAS HOME RULE MUNICIPAL CORPORATION, ELECTING FOR THE CITY TO HAVE THE RIGHT TO THE CONTINUED PERFORMANCE OF SERVICES PROVIDED BY THE TEXAS MUNICIPAL POWER AGENCY, A MUNICIPAL POWER AGENCY, UNDER THE PROVISIONS OF THE POWER SALES CONTRACT, AS AMENDED, FOR THE USEFUL LIFE OF THE SYSTEM; DIRECTION TO THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO PROVIDE WRITTEN NOTICE OF THIS ELECTION TO TMPA; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Municipal Power Agency ("Agency") has heretofore been created and established as a municipal power agency by the cities of Bryan, Denton, Garland, and Greenville, Texas (the "Member Cities"); and

WHEREAS, the Agency and Member Cities entered into a Power Sales Contract (as amended, the "PSC") on September 1, 1976 for purposes of the Agency generating, transmitting, and selling electric power and energy to the Member Cities, and the Member Cities purchasing electric power and energy from the Agency;

WHEREAS, the Agency and Member Cities amended the PSC, effective September 26, 1989, November 5, 1997, June 24, 2010, and August 29, 2013;

WHEREAS, the Member Cities, provided an election is made to do so, shall have the right to the continued performance of services provided under the PSC for the useful life of the System ("System" being defined in Section 2 (s) of the PSC) by giving written notice to the Agency of said election by no later than September 30, 2016; and,

WHEREAS, the City Council of the City of Denton ("City) finds that it is in the best interest of the citizens and electric ratepayers of the City to elect for the City to have the right to the continued performance of services provided under the PSC for the useful life of the System; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF DENTON RESOLVES:

SECTION 1. The recitals which are set forth in the preamble of this Resolution are incorporated herein and are made a part of this Resolution for all purposes.

SECTION 2. Pursuant to the requirement of "Section 19: Continuation of Services" of the PSC, the City Council of the City of Denton elects for the City of Denton to have the right to the continued performance of services provided under the PSC for the useful life of the System;

SECTION 3. The Interim City Manager, or his designee, is directed to deliver a certified copy of this Resolution to the Texas Municipal Power Agency on or before September 30, 2016; and

SECTION 4. This resolution shall take effect immediately from and after its adoption.

PASSED AND APPROVED this the ____ day of _____, 2016.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

By: _____