

**RESOLUTION NO. 386**

**A RESOLUTION OF THE CITY OF BURLINGAME, KANSAS, AUTHORIZING THE EXECUTION OF A POWER PURCHASE AGREEMENT, DATED AS OF DECEMBER 5, 2016, BETWEEN THE CITY OF BURLINGAME, KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY RELATING TO THE PURCHASE OF ELECTRICITY BY THE CITY FROM THE KANSAS MUNICIPAL ENERGY AGENCY FOR SALE OR USE BY THE CITY; AND MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.**

**WHEREAS**, the Kansas Municipal Energy Agency ("**KMEA**") is a municipal energy agency organized and existing under the laws of the State of Kansas, including K.S.A. 12-885 *et seq.*; and

**WHEREAS**, the City of Burlingame, Kansas (the "**City**") owns or operates a utility furnishing electricity, and the City is a member in good standing of KMEA; and

**WHEREAS**, the City is authorized to enter into contracts for the supply of electricity from any person, firm, corporation or other municipality for a period not in excess of forty (40) years under K.S.A. 12-825j; and

**WHEREAS**, the City considered options for the supply of electricity and determined the proposal by KMEA to purchase energy from NextEra Energy Power Marketing, LLC was in the best interests of the City; and

**WHEREAS**, the City desires to enter into a Power Purchase Agreement dated as of December 5, 2016 (the "**Power Purchase Agreement**") with KMEA relating to the City's purchase of electricity from KMEA commencing on January 1, 2017 in substantially the form presented to the governing body with this Resolution;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BURLINGAME, KANSAS:**

**Section 1. Approval.** The Power Purchase Agreement is hereby approved in substantially the form presented to the governing body this date.

**Section 2. Pledge of Revenues; Obligation to Make Payments.** The governing body of the City hereby pledges the gross revenues (the "**Revenues**") of the City's electric utility system (the "**System**") to the City's payment obligations under the Power Purchase Agreement. The payments by the City for electricity under the Power Purchase Agreement shall constitute operating expenses of the System. The obligation of the City to make payments to KMEA under the Power Purchase Agreement, whether or not reduced to judgment, shall not constitute general obligations of the City, and the City shall not be required to make such payments from any source other than the Revenues of the System.

**Section 3. Rate Covenant.** The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce Revenues sufficient to pay all operating expenses of the System, including the obligation to make the payments required by the Power Purchase Agreement.

**Section 4. Execution of Power Purchase Agreement.** The Mayor and Clerk are hereby authorized to execute the Power Purchase Agreement in substantially the form presented to the governing body this date, with such changes or additions as the Mayor and Clerk shall deem necessary and appropriate, such official's signature thereon being conclusive evidence of such official's and the City's approval thereof. The Mayor and Clerk are authorized and directed to execute any and all other documents or certificates necessary to effect the purposes set forth in this Resolution and the Power Purchase Agreement.

**Section 5. Effective Date.** This Resolution shall take effect and be in full force from and after its adoption by the governing body of the City.

ADOPTED by the governing body of the City and signed by the Mayor this 5 day of December, 2016.

(SEAL)

Doug Moon  
Acting Mayor

ATTEST:

Patty Atchison  
City Clerk