

RESOLUTION NO. 2024-2

A RESOLUTION OF THE CITY OF WATHENA, KANSAS, AUTHORIZING THE EXECUTION OF A HYDRO POWER POOLING CONTRACT (LAO POWER PROJECT) BETWEEN THE CITY OF WATHENA, 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.

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 Wathena, 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 Western Area Power Administration (Western) is an agency of the United States Department of Energy (DOE) and has made an allocation of hydroelectric power and energy to the City; and

WHEREAS, KMEA has negotiated on behalf of the City a Power Sales Contract, with Western (the Western Agreement), under which KMEA will coordinate and pool the Hydro Entitlements of the Participants to hydroelectric power and energy from reservoir projects, constructed and operated by the United States Bureau of Reclamation, as such power and energy become available; and

WHEREAS, on January 17, 2023, the City adopted a resolution, authorizing it to submit to Western a Firm Electric Service Allocation Assignment Request, and subsequently notified Western by letter of the City's adoption of said resolution.

WHEREAS, on August 7, 2023, the City (1) adopted a resolution authorizing it to execute a 2025 Power Market Initiative (Agreement Number 22-RMR-3312) by and between City, KMEA, and Western, assigning the City's Western Loveland Area Projects' (LAP) 2025 Resource Pool, firm electric service (FES) allocation to the KMEA, and (2) executed said agreement; and

WHEREAS, effective October 1, 2024, City is requesting that KMEA become their administrator and the City desires to enter into a Hydro Power Purchase Contract (LAO Power Project) (the Hydro Purchase Agreement) with KMEA relating to the City's purchase of electricity from KMEA during the period October 1, 2024 through September 30, 2054 (the Term) in substantially the form presented to the governing body on this date; and

WHEREAS, KMEA has or will contract with certain transmission providers (the Transmission Providers) or successors to arrange for delivery of capacity and energy to the City; and

WHEREAS, the Hydro Purchase Agreement, all other Hydro Purchase Agreements, the Western Agreement and any agreements with Transmission Providers collectively comprise the KMEA-Western Power Sales Project; and

WHEREAS, by execution of the Hydro Purchase Agreement, the City will participate in the KMEA-Western Power Sales Project;

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

Section 1. The Mayor and City Clerk of the City of Wathena, Kansas, are hereby authorized to execute the Hydro Power Purchase Contract (LAO Power Project) in substantially the form presented herewith, and to execute any and all other documents or certificates necessary for the City to participate in the KMEA-Western Power Sales Project.

Section 2. 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 20th day of February, 2024.



John Cluck | Mayor

(SEAL)

ATTEST:



Tammy Bembrick | Clerk