

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, REGARDING THE CITY'S OPTION TO EXTEND THE TERM OF ITS POWER SALES CONTRACT WITH TEXAS MUNICIPAL POWER AGENCY, AS AMENDED, AND DIRECTION TO THE 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 entered into a Power Sales Contract (as amended, the "PSC") with each Member City, effective, September 1, 1976, for sales of power and energy to each Member City; and

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

WHEREAS, the Power Sales Contract will expire by its terms on September 1, 2018, and

WHEREAS, under the Power Sales Contracts, each Member City, may elect to extend the term of the Power Sales Contract beyond September 1, 2018, if notice to do so is sent to the Agency by September 30, 2016; and

WHEREAS, the Agency and Member Cities have entered into a further agreement, the Joint Operating Agreement, which provides additional terms relating to the extension of the Power Sales Contracts and later termination of the Power Sales Contracts; and

WHEREAS, under the Power Sales Contract and the Joint Operating Agreement between the Agency and the Member Cities, a Member City may extend the term of its Power Sales Contract so long as the Agency receives contracts for one hundred percent of the output of the Plant, and may thereafter terminate the Power Sales Contract upon two (2) years' notice; and

WHEREAS, the City Council of the City of Bryan, Texas, finds that it is in the best interest of the citizens and electric ratepayers of the City to elect to extend its Power Sales Contract, on such terms,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:**

SECTION 1. The recitals which are set forth in the preamble of this Resolution are true and correct, and 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 Bryan, Texas elects to extend its Power Sales Contract, on the terms set forth in the Power Sales Contract and Joint Operating Agreement.

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

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

PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:  
CITY SECRETARY

By: \_\_\_\_\_

APPROVED AS TO LEGAL FORM:  
CITY ATTORNEY

By: \_\_\_\_\_