

## RESOLUTION NO. 12129

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, ARIZONA, AUTHORIZING AND APPROVING THE PROCUREMENT OF FIRM SUPPLIES OF ELECTRIC POWER AND ENERGY FOR DISTRIBUTION BY THE CITY ELECTRIC UTILITY FOR A PERIOD OF UP TO FOUR YEARS.

WHEREAS, the City of Mesa ("City") owns and operates a municipal electric distribution utility and is authorized by the provisions of the Laws of the State of Arizona and the City of Mesa City Charter to acquire, purchase and manage supplies of electric power and energy necessary to meet the demands of the residential, commercial and industrial customers served by such utility; and

WHEREAS, the City of Mesa Energy Resources Department issued an Electric Power Request for Proposals, 2024044 ("RFP") for electric power supplies; and

WHEREAS, In response to the City's RFP, Shell Energy North America (SENA); Exelon Generation Company, LLC (Constellation); Citigroup Energy Inc (Citi); and Brookfield Energy Trading and Marketing LP (Brookfield) (collectively, the "Suppliers") have offered to sell to the City a supply of electric power and energy; and

WHEREAS, the City desires to acquire firm electric power and energy for resale by its municipal electric distribution utility and further desires to enter into agreements with terms acceptable to the City with one or more of said Suppliers confirming the purchase of such supplies to be delivered over the RFP stipulated period of up to four (4) years ("Supply Period") beginning on May 1st, 2024;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, AS FOLLOWS:

Section 1. The City hereby authorizes the procurement of an annual 7x24, base supply (up to 15 MW) of firm electric power and energy beginning on or after May 1, 2024 for January through December (inclusive) for a duration of up to the full Supply Period with final average pricing over the Supply Period of no greater than \$120/MWh ("Base Supply").

Section 2. The City hereby authorizes the procurement of an annual 6x16, Summer Peak supply (up to 15 MW) of firm electric power and energy beginning on or after October 1, 2024 for June through September (inclusive) during each year, with a duration of up to the full Supply Period and final average pricing over the Supply Period of no greater than \$250/MWh ("Summer Peak Supply").

Section 3. The City hereby authorizes the procurement of an annual 7x16 or 6x16, July-August Peak supply (5 MW) of firm electric power and energy beginning on or after July 1, 2024 for July through August (inclusive) during each year, with a duration of up to the full Supply Period and final average pricing over the Supply Period of no greater than \$320/MWh ("July-August Peak Supply").

Section 4. The City hereby authorizes entering Edison Electric Institute (“EEI”) Master Power Purchase & Sales Agreement or similar agreement(s) (“Enabling Agreement”) with Suppliers, with such additions, deletions and substitutions as shall be approved by the City Attorney or designee and the City Manager or designee. The City hereby further authorizes the modification to any existing Enabling Agreements with Suppliers as shall be approved by the City Attorney or designee and the City Manager or designee.

Section 5. The City hereby authorizes entering an associated transaction confirmation (collectively with Enabling Agreements, "Transaction Documents") for the Supplies listed in Sections 1 through 3 with such additions, deletions and substitutions as shall be approved by the City Attorney or designee and the City Manager or designee, pursuant to which the City will agree to purchase electric power and energy from one of said Suppliers, such deliveries to be made on the dates, at the volumes and within the contract prices set forth above and to be incorporated in such Transaction Documents.

Section 6. Alternatively, in the instance that City does not execute on the Supplies listed in Sections 1 through 3 with one of the Suppliers, the City hereby authorizes the daily, monthly, or seasonal (three month) procurement through the Western Area Power Administration’s Resource Management Services group of replacement energy in amounts up to the Base Supply and Peak Supplies (in addition to any marginal supply transactions needed to meet system demand, which are also hereby authorized) on the wholesale energy market on the City’s behalf during the Supply Period.

Section 7. Approval by the City Attorney or designee and signature by the City Manager or designee of Enabling Agreements, Transaction Documents or other confirmations shall constitute conclusive evidence of this City Council’s approval thereof.

Section 8. The various City officers and employees are hereby authorized and directed to execute such other documents or certificates and to perform all other acts necessary to carry out the intent and purpose of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Mesa, Arizona, this 4th day of December, 2023.

APPROVED:

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Mayor

ATTEST:

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City Clerk