

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA,
MISSOURI, AUTHORIZING THE MAYOR AND CITY
ADMINISTRATOR TO SIGN A MASTER POWER PURCHASE AND
SALE AGREEMENT WITH NEXTERA ENERGY MARKETING, LLC**

WHEREAS, ARTICLE II, Section 2.1 of the Home Rule Charter of the City of Nixa, Missouri provides the City of Nixa all powers of the General Assembly of the State of Missouri have authority to confer upon any City, provided such powers are consistent with the Constitution of the state of Missouri and are not limited or denied by the City of Nixa’s Charter or by statute; and

WHEREAS, the City of Nixa is nearing the end of its largest wholesale power agreement for the Nixa Electric Distribution Utility; and

WHEREAS, the City of Nixa is exploring the possibility of purchasing electrical distribution capacity from NextEra Energy Marketing, LLC; and

WHEREAS, in order to begin the process and necessary studies to ultimately contract with NextEra Energy Marketing, LLC, the City of Nixa must enter into an Edison Electric Institute (“EEI”) Master Power Purchase and Sale Agreement setting forth the terms of any transaction should the City ultimately elect to purchase capacity; and

WHEREAS, the pricing, volumes, length and other terms of any Agreement with NextEra Energy Marketing, LLC will be governed by finalized term sheets/transaction confirmations for power purchases after the EEI Agreement is adopted; and

WHEREAS, any agreement with NextEra Energy Marketing, LLC will be governed by the EEI Agreement and term sheets/transaction confirmations; and

WHEREAS, an Aggregate (“Ag”) Study will be conducted by governing authorities to determine whether the wholesale power can be successfully transferred to the City of Nixa; and

WHEREAS, the Ag Study may provide for Directly Assigned Upgrade Costs (“DAUC”) associated with the transfer of the wholesale power to the City of Nixa; and

WHEREAS, any final agreement with NextEra Energy Marketing, LLC will be contingent upon acceptable terms and an acceptable Aggregate (“Ag”) Study conducted by governing authorities;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NIXA,
MISSOURI, AS FOLLOWS:**

Section I: The Mayor and City Administrator are hereby authorized and directed to sign an EEI Master Power Purchase and Sale Agreement, and any necessary annexed documents, with NextEra Energy Marketing, LLC, copies of which are attached hereto and incorporated herein by reference.

Section II: After review by the Director of City Utilities and the City Attorney (or other designated counsel), the City Administrator is authorized to approve or disapprove of any term sheets/transaction confirmations received from NextEra Energy Marketing, LLC related to the purchase of wholesale power. However, should any subsequent Ag Study reveal DAUC exceeding \$800,000, the City Administrator shall provide notice, cancel and/or reject any agreement for the purchase of wholesale energy from NextEra Energy Marketing, LLC.

Section III: All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Section IV: This ordinance shall be in full force and effect from and after the date of its passage.

**READ TWO (2) TIMES AND PASSED BY THE CITY COUNCIL OF NIXA, MISSOURI
THIS 12th DAY OF NOVEMBER 2019.**

PRESIDING OFFICER

ATTEST:

CITY CLERK

APPROVED THIS _____ DAY OF NOVEMBER 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY