RESOLUTION NO. UA 2019-07

A RESOLUTION OF FORT PIERCE UTILITIES AUTHORITY, FORT PIERCE, FLORIDA (I) APPROVING THE ALL-REQUIREMENTS POWER SUPPLY PROJECT SOLAR PARTICIPATION AGREEMENT BETWEEN FLORIDA MUNICIPAL POWER AGENCY AND FORT PIERCE UTILITIES AUTHORITY AND THEREBY COMMITTING TO BE BOUND BY SECTION 10 OF RATE SCHEDULE B-1 OF THE ALL-REQUIREMENTS POWER SUPPLY CONTRACT, OR ITS SUCCESSOR PROVISION; (II) PROVIDING AUTHORIZATION TO COMMIT FINANCIALLY TO A PERCENTAGE AMOUNT OF THE SOLAR ENERGY ACQUIRED BY THE FLORIDA MUNICIPAL POWER AGENCY IN THE EVENT FLORIDA MUNICIPAL POWER AGENCY ACQUIRES SUCH SOLAR ENERGY; (III) DESIGNATING AUTHORIZED OFFICERS; (IV) APPROVING AND TAKING CERTAIN OTHER ACTIONS; (V) PROVIDING FOR SEVERABILITY; AND (VI) PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fort Pierce Utilities Authority is a member of the Florida Municipal Power Agency ("FMPA") All-Requirements Power Supply Project ("ARP Project"); and

WHEREAS, as an ARP Participant, Fort Pierce Utilities Authority receives all of its power supply needs from the ARP Project; and

WHEREAS, Fort Pierce Utilities Authority desires that FMPA, as its wholesale power supply provider, include within its energy resource portfolio renewable energy resources; and

WHEREAS, FMPA is in the final stages of negotiating a Power Purchase Agreement between FMPA and Origis Energy USA Inc. for the output of two (2) photovoltaic electric generating facilities each having nameplate capacity of 74.9 MW alternating current ("ac"), which will be designed, financed, constructed and operated by Origis Energy USA Inc. in Putnam and Alachua Counties, Florida ("Solar Facility");

WHEREAS, FMPA has revised Rate Schedule B-1 of the All-Requirements Power Supply Contract to permit ARP Participants to voluntarily commit to financial responsibility for a percentage share of the costs incurred by FMPA pursuant to the Solar PPA (the "Solar Rate Commitment"); and

WHEREAS, Fort Pierce Utilities Authority hereby determines that it is in the best interests of the health, safety, and welfare of the citizens and residents of Solar Participant to commit financially, subject to the conditions set forth in this Resolution, to the Solar Rate Commitment, as set forth in the ARP Solar Participation Agreement and revised Rate Schedule B-1.

NOW THEREFORE, for and in consideration of the mutual covenants by them to be kept and performed, all as hereinafter set forth, the Parties hereby mutually agree as follows:

NOW THEREFORE, BE IT RESOLVED BY FORT PIERCE UTILITIES AUTHORITY AS FOLLOWS:

Section 1. Financial Commitment, ARP Solar Project Participation Agreement (Appendix A) and Rate Schedule B-1 (Appendix B). Solar Participant commits to be financially responsible for its Solar Rate Commitment of up to **15 MW** of FMPA ARP Project's entitlement under the Solar Project Participation Agreement ("PPA"). Further, **Fort Pierce Utilities Authority** approves and agrees to be bound by all terms and conditions of the ARP Solar Participation Agreement, and through such Agreement, section 10 of Rate Schedule B-1, or its successor provisions.

Section 2. Acknowledgement. Fort Pierce Utilities Authority acknowledges that its Solar Rate Commitment is dependent upon FMPA entering into, and subject to the terms and conditions of, the Solar PPA, which is subject to approval by the FMPA Executive Committee.

Section 3. Designation of Authorized Officers. The Chairperson and the Secretary are each hereby designated as "Authorized Officers" of the **Fort Pierce Utilities Authority** for the purposes of executing and delivering the documents, agreements, or instruments necessary to be bound by its Solar Rate Commitment share in the manner specified therein and taking any other actions authorized by this Resolution.

Section 4. Further Actions. Each Authorized Officer of **Fort Pierce Utilities Authority** is hereby authorized and empowered to take all further actions as may be necessary or desirable in carrying out the terms and provisions of this Resolution and each of the documents, agreements or instruments necessary to be bound by **Fort Pierce Utilities Authority** Solar Rate Commitment.

Section 5. Severability. If one or more provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, such provisions shall be deemed to be severable from the remaining provisions hereof, and shall in no way affect the validity or enforceability of such remaining provisions.

Section 6. Effectiveness. **This Resolution shall take effect immediately upon its adoption**, this 19th day of November, 2019 A.D.

ATTEST:

Secretary

BY:

Chairman

APPROVED AS TO FORM & CORRECTNESS:

BY:

Fort Pierce Utilities Authority Attorney