

Introduced By: Council Member Hoffman

Adopted: June 3rd, 2019

**RESOLUTION 2035-2019**

**A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT FINANCIALLY TO A SPECIFIED PORTION OF THE SOLAR ENERGY ACQUIRED BY THE FLORIDA MUNICIPAL POWER AGENCY IN THE EVENT FLORIDA MUNICIPAL POWER AGENCY ACQUIRES SUCH SOLAR ENERGY; PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT TO BEING BOUND BY SECTION [X] OF RATE SCHEDULE B-1 OF THE ALL-REQUIREMENTS POWER SUPPLY CONTRACT; DESIGNATING AUTHORIZED OFFICERS; APPROVING AND TAKING CERTAIN OTHER ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, THE CITY OF JACKSONVILLE BEACH** encourages the development of renewable energy resources within the State of Florida, and desires to serve its electric customers with clean, reliable, and affordable energy resources that include a mix of renewable energy resources; and

**WHEREAS, THE CITY OF JACKSONVILLE BEACH** is a member of the Florida Municipal Power Agency ("FMPA") All-Requirements Power Supply Project ("ARP Project"); and

**WHEREAS, as an ARP Participant, THE CITY OF JACKSONVILLE BEACH** receives all of its power supply needs from the ARP Project; and

**WHEREAS, THE CITY OF JACKSONVILLE BEACH** 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 a solar developer for the output of a photovoltaic electric generating facility having a nameplate capacity of 74.5 MW alternating current ("ac"); and

**WHEREAS, FMPA** has revised Rate Schedule B-1 of the All-Requirement 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, THE CITY OF JACKSONVILLE BEACH** hereby determines that it is in the best interests of the health, safety, and welfare of the citizens and residents of THE CITY OF JACKSONVILLE BEACH to commit financially, subject to the conditions set forth in this Resolution, to the Solar Rate Commitment set forth in the revised Rate Schedule B-1.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH AS FOLLOWS:**

**Section 1. Solar Power Entitlement Share.** The City of Jacksonville Beach desires to commit financially to a portion of the potential FMPA solar energy entitlement acquired by FMPA pursuant to a solar power purchase agreement, to the extent one is entered into by FMPA, at a Solar Rate Commitment of up to 10 MW, provided that the dollar-per-MWh amount for the City of Jacksonville Beach's Solar Rate Commitment does not exceed \$35/MWh.

**Section 2. Acknowledgement.** The City of Jacksonville Beach acknowledges that its Solar Rate Commitment is dependent upon FMPA entering into, and subject to the terms and conditions of, a power purchase agreement between FMPA and a solar developer (the "Solar PPA"). Such Solar PPA is subject to approval by the FMPA Executive Committee. The City of Jacksonville Beach shall not be bound by the Solar PPA, its Solar Rate Commitment, the Solar Rate provisions of Rate Schedule B-1 of the ARP Contract, or any other agreements unless and until they have been reviewed and are acceptable to The City of Jacksonville Beach.

**Section 3. Solar Rate Commitment.** In the event FMPA enters into the Solar PPA and the Solar Rate Commitment does not exceed the dollar-per-MWh price set forth in Section 1 of this Resolution, and The City of Jacksonville Beach has reviewed and finds acceptable (1) the Solar PPA, (2) Rate Schedule B-1 of the ARP Contract, and (3) the ARP Solar Participant Agreement, provided that all the conditions of this Resolution are met, The City of Jacksonville Beach hereby commits to the Solar Rate Commitment.

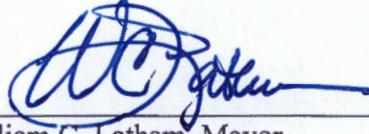
**Section 4. Designation of Authorized Officers.** The Mayor and City Manager are each hereby designated as "Authorized Officers" of the City of Jacksonville Beach for the purposes of executing and delivering the documents, agreements, or instruments necessary to commit to the Solar Rate Commitment in the manner specified therein and taking any other actions authorized by this Resolution.

**Section 5. Further Actions.** Each Authorized Officer of the City of Jacksonville Beach 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 commit to the Solar Rate Commitment at their sole discretion.

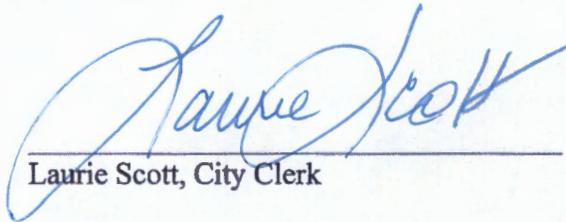
**Section 6. Severability.** If one or more provisions of this Resolution should be determined by a court of competent jurisdiction to be contrary to law, such provisions shall be deemed to be severable from the remaining provisions hereof, and shall in no way affect the validity or enforceability of such remaining provisions.

**Section 7. Effectiveness.** This Resolution shall take effect immediately upon its adoption.

**AUTHENTICATED** this 3rd day of June, 2019.

A handwritten signature in blue ink, appearing to read "W. C. Latham", written over a horizontal line.

William C. Latham, Mayor

A handwritten signature in blue ink, appearing to read "Laurie Scott", written over a horizontal line.

Laurie Scott, City Clerk