

ORDINANCE NO. 2194

**AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF THE AMENDED AND RESTATED TOTAL POWER REQUIREMENTS POWER PURCHASE AGREEMENT BY THE CITY OF CRETE, NEBRASKA, WITH THE MUNICIPAL ENERGY AGENCY OF NEBRASKA; TO ACKNOWLEDGE AND PROVIDE FOR LIMITATIONS ON USE OF THE ELECTRICITY; TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:**

**Section 1.** The City Council hereby finds and declares it to be in the public interest and in the interest of the customers of the City's electric utility that the City adopt and execute Service Schedule M, Amended and Restated Total Power Requirements Power Purchase Agreement, with the Municipal Energy Agency of Nebraska (“*MEAN*”).

**Section 2.** It is hereby ordered and directed that the City of Crete, Nebraska, acting through its Mayor and City Clerk, execute Service Schedule M, Amended and Restated Total Power Requirements Power Purchase Agreement, a copy of the schedule being attached hereto and made a part hereof.

**Section 3.** The City of Crete, Nebraska, does hereby adopt and approve each of the objectives, terms and conditions set forth in Service Schedule M.

**Section 4.** This ordinance shall be in full force and take effect after its passage, approval and publication as provided by law.

**Section 5.** The City acknowledges that certain of the generating facilities used by MEAN to provide electricity to the City have been financed with tax-exempt bonds and the use of the electric output of such generating facilities is restricted by federal tax regulations. In order to permit MEAN to comply with such federal tax regulations, the City agrees to use all of the electricity delivered to it by MEAN solely to serve customers in its long-term service area pursuant to generally applicable and uniformly applied rates and charges. “Long-term service area” means any area that the City has provided electric service to for at least ten years. Any other use, resale or remarketing of the electricity delivered by MEAN to the City must be approved in writing by MEAN.

Passed and approved on the 6th day of February, 2024.

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Mayor

ATTEST:

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City Clerk

(S E A L)