

RESOLUTION NO. 2018-09

(ST. LUCIE PROJECT PARTICIPANT)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA (THE “ST. LUCIE PROJECT PARTICIPANT”) (I) PROVIDING FOR THE INCORPORATION OF CERTAIN FINDINGS, DEFINED TERMS, AND GENERAL PROVISIONS; (II) APPROVING AMENDMENTS TO THE ST. LUCIE POWER SALES CONTRACT, AS AMENDED, AND PROJECT SUPPORT CONTRACT, AS AMENDED, BETWEEN FLORIDA MUNICIPAL POWER AGENCY AND THE ST. LUCIE PROJECT PARTICIPANT; (III) CONSENTING TO THE TRANSFER AND ASSIGNMENT BETWEEN THE CITY OF VERO BEACH AND FLORIDA MUNICIPAL POWER AGENCY, WITH RESPECT TO THE ALL-REQUIREMENTS POWER SUPPLY PROJECT, OF A 15.202% POWER ENTITLEMENT SHARE IN THE ST. LUCIE PROJECT; (IV) CONSENTING TO AMENDMENTS OF THE ST. LUCIE POWER SALES CONTRACT AND PROJECT SUPPORT CONTRACT BETWEEN FLORIDA MUNICIPAL POWER AGENCY AND THE CITY OF VERO BEACH, AND WAIVING CERTAIN RIGHTS TO HAVE SUCH AMENDMENTS FOR THE CITY OF VERO BEACH INCLUDED IN THE ST. LUCIE PROJECT PARTICIPANT’S ST. LUCIE POWER SALES CONTRACT AND PROJECT SUPPORT CONTRACT; (V) PROVIDING FOR THE MUTUAL RELEASE BY THE ST. LUCIE PROJECT PARTICIPANT AND THE CITY OF VERO BEACH, FLORIDA, FOR OBLIGATIONS AND CLAIMS RELATED TO FLORIDA MUNICIPAL POWER AGENCY; (VI) PROVIDING FOR THE MUTUAL WAIVER AND RELEASE OF THE CITY OF VERO BEACH, FLORIDA FROM OBLIGATIONS RELATED TO THE ST. LUCIE PROJECT; (VII) PROVIDING FOR THE ASSIGNMENT OF CERTAIN RIGHTS AND OBLIGATIONS UNDER THE ST. LUCIE POWER SALES CONTRACT AND PROJECT SUPPORT CONTRACT BETWEEN FLORIDA MUNICIPAL POWER AGENCY AND THE CITY OF VERO BEACH, TO BE ASSIGNED TO THE ST. LUCIE BOND TRUSTEE (AS DEFINED HEREIN) TO ENFORCE SUCH CONTRACTS; (VIII) DECLARING THAT THIS RESOLUTION IS VALID AND LEGALLY BINDING UPON PROJECT PARTICIPANT AND CONSTITUTES A CONTRACT; (IX) DESIGNATING AUTHORIZED OFFICERS OF ST. LUCIE PROJECT PARTICIPANT; (X) TAKING CERTAIN OTHER ACTIONS; AND (XI) PROVIDING AN EFFECTIVE DATE.