

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE TEXAS COALITION FOR AFFORDABLE POWER'S (TCAP) PROFESSIONAL SERVICES AGREEMENT AND GEXA ENERGY'S COMMERCIAL ELECTRIC SERVICE AGREEMENT (CESA) FOR POWER TO BE PROVIDED ON AND AFTER JANUARY 1, 2023; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Allen is a member of Texas Coalition For Affordable Power, Inc. ("TCAP"), a non-profit, political subdivision corporation of the State of Texas; and,

**WHEREAS**, TCAP has previously arranged for the City to purchase power through Gexa Energy with a contract set to expire December 31, 2022; and,

**WHEREAS**, TCAP has designed a new procurement strategy that will involve TCAP initially committing to purchase power two years in advance of delivery on behalf of its members who desire participation in a Strategic Hedging Program ("SHP") that will involve a series of monthly competitive auctions; and,

**WHEREAS**, TCAP has prepared a Professional Services Agreement ("PSA"), attached as Exhibit A, that, in addition to enumerating services and benefits to members of TCAP, provides TCAP with specific authority to procure power in the wholesale market on behalf of members who choose to participate in the SHP; and,

**WHEREAS**, approval of the PSA is a necessary, but not sufficient, prerequisite to participation in the SHP; and,

**WHEREAS**, the PSA is a relational contract that defines services provided by TCAP to members regardless of whether a member decides to commit to the SHP; and,

**WHEREAS**, the industry-standard retail contract is a Commercial Electric Service Agreement ("CESA") offered by a Retail Electric Provider ("REP"); and,

**WHEREAS**, TCAP has negotiated modifications to the current CESA between the City and Gexa Energy to reflect participation in the SHP; and,

**WHEREAS**, the CESA that will facilitate participation in the SHP effective for power deliveries in and beyond 2023 (attached as Exhibit B) will need to be approved and signed prior to October 1, 2020; and,

**WHEREAS**, the City desires to participate in the SHP.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:**

**SECTION 1.** The City Manager is authorized to execute the Texas Coalition for Affordable Power's (TCAP) Professional Services Agreement and GEXA Energy's Commercial Electric Service Agreement (CESA) for Power to be Provided on and after January 1, 2023; and send the agreements to TCAP, 15455 Dallas Parkway, Ste 600, Addison, TX 75001.

**SECTION 2.** All provisions of the Resolutions of the City of Allen, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution which shall remain in full force and effect.

**SECTION 4.** This Resolution shall take effect from and after its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 26<sup>TH</sup> DAY OF MAY 2020.**

**APPROVED:**

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**Debbie Stout, MAYOR**

**ATTEST:**

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**Shelley B. George, CITY SECRETARY**