

ORDINANCE NO. 397

AN ORDINANCE AUTHORIZING AND DIRECTING PARTICIPATION BY THE CITY OF BUFFALO, IOWA IN THE ELECTRICAL RESOURCES POOLING AGREEMENT OF THE MUNICIPAL ENERGY AGENCY OF NEBRASKA (MEAN); AUTHORIZING AND DIRECTING THE EXECUTION OF THE AGREEMENT; TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUFFALO, IOWA:

Section 1: The Council hereby finds and declares it to be in the public interest of the customers of the City's electric utility that the City become a party to Electrical Resources Pooling Agreement with the Municipal Energy Agency of Nebraska as a Bulk Power Participant.

Section 2: It is hereby ordered and directed that the City of Buffalo, Iowa, acting through its Mayor and City Clerk, execute the Electrical Resources Pooling Agreement as a Bulk Power Participant, a copy of said Agreement being attached hereto and made a part hereof. The execution of the Electrical Resources Pooling Agreement is contingent upon the procurement by MEAN of a firm transmission delivery path to the City of Buffalo and the execution of a network integrated transmission service agreement with MidAmerican Energy Company.

Section 3: The City of Buffalo, Iowa does hereby adopt and approve each of the objectives, terms and conditions set forth in the Electrical Resources Pooling Agreement.

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


SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effect after its final passage and publication as by law provided.

Passed by the City Council of the City of Buffalo, Iowa, this 6 day of Dec, 2004.

Approved and signed by the Mayor of Buffalo, Iowa, this 6 day of Dec, 2004..


Betty Walters Mayor

Attest:


Carol Bernauer, City Clerk

Date of 1st reading: 12-06-04

Date of 2nd reading: waived

Date of 3rd reading: waived & adopted

Date of publication: 12-11-04