

RESOLUTION NO. 31-2001

A RESOLUTION APPROVING THE ARTICLES OF INCORPORATION AND BYLAWS OF CITIES AGGREGATION POWER PROJECT, INC., A POLITICAL SUBDIVISION CORPORATION; ACCEPTING MEMBERSHIP IN SAID CORPORATION; APPOINTING A REPRESENTATIVE TO SERVE ON BEHALF OF CITY OF ABILENE; APPROVING PAYMENT OF AN INITIAL MEMBERSHIP FEE.

WHEREAS, Chapter 303 of the Texas Local Government Code, entitled Energy Aggregation Measures for Local Governments, allows political subdivisions to form a political subdivision corporation to act as an agent to negotiate the purchase of electricity, or to likewise aid or act on behalf of the political subdivisions for which the corporation is created, with respect to their own electricity use for their respective public facilities; and

WHEREAS, Cities Aggregation Power Project, Inc. is a political subdivision corporation organized under said Chapter; and

WHEREAS, the negotiation for electricity by the corporation should result in lower electricity costs to City of Abilene; and

WHEREAS, the TXU Cities Steering Committee has participated in numerous rate proceedings and rule-makings over the course of the last decade and having investigated the impacts of electric deregulation, recommends participation of cities in aggregation projects and creation of a political subdivision corporation to maximize opportunities for cost savings;

WHEREAS, the TXU Cities Steering Committee has facilitated the creation of Cities Aggregation Power Project, Inc.; and

WHEREAS, the City of Abilene seeks to become a Member of Cities Aggregation Power Project, Inc.; and

WHEREAS, the By-Laws of Cities Aggregation Power Project, Inc. require an initial membership fee of ½ of 1% of the total annual electric bill of 2000. Such fee shall not exceed \$14,000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF ABILENE, TEXAS:

Section 1. The recitals contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as a part of this Resolution.

Section 2. The Articles of Incorporation and Bylaws of Cities Aggregation Power Project, Inc., a political subdivision corporation, attached hereto and incorporated herein for all purposes as Exhibits A and B respectively, are hereby approved.

Section 3. City of Abilene accepts Membership in Cities Aggregation Power Project, Inc.

Section 4. City of Abilene approves payment of an initial fee assessment equivalent to ½ of 1% of the total annual electric bill City of Abilene in the year 2000. Such fee shall not exceed \$14,000.

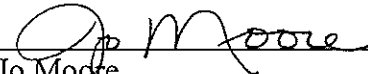
Section 5. City of Abilene hereby appoints the Assistant City Manager to serve as the City of Abilene's representative to the corporation and to act on City of Abilene's behalf.

Section 6. All Resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

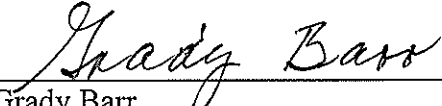
Section 6. This Resolution shall take effect immediately from and after its adoption and it is accordingly so resolved.

Signed this 9 day of August, A.D., 2001.

ATTEST:




Jo Moore
City Secretary



Grady Barr
Mayor

APPROVED:



Sharon K. Hick
City Attorney