

RESOLUTION NO. 20-2023

A RESOLUTION OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AUTHORIZING THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE THE EPPG POWER POOL PARTICIPANT SCHEDULE WITH AMP.

WHEREAS, the Borough of Kutztown, Pennsylvania (the "Municipality"), owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for coordination of the purchase or other provision of electric power and energy (power supply) and for ultimate delivery to its customers; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality; and

WHEREAS, Municipality desires to contract with AMP, along with other AMP member municipalities to pool, arrange and share power supply and transmission operations; and

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF KUTZTOWN, PENNSYLVANIA.

SECTION 1. That the form of EPPG Power Pool Participant Schedule attached hereto as Exhibit 1, including Appendices thereto between this Municipality and AMP, be, and the same hereby is, approved substantially in the form attached hereto, subject to and with any and all changes provided herein and therein.

SECTION 2. That the Borough Council President is hereby authorized and directed to execute and deliver on behalf of this Municipality the EPPG Power Pool Participant Schedule, substantially in the form attached hereto together with such changes or modifications of the same that are not adverse to this Municipality's interest as determined by the Borough representative and/or Borough Solicitor.

SECTION 3. That it is found and determined that, to the extent required by law, all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining

provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this Resolution shall take effect at the earliest date allowed by law.

ADOPTED by the Council of the Borough of Kutztown, Berks County, Pennsylvania, in lawful session duly assembled this 21st day of November, 2023.

BOROUGH OF KUTZTOWN

Derek D. Mace
Borough Council Vice President

Andrea Rahn
Assistant Borough Secretary