

RESOLUTION NO. 9957

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, ("CITY") AUTHORIZING THE EXECUTION OF (i) A NORTH AMERICAN ENERGY BOARD STANDARDS BASE CONTRACT FOR THE SALE AND PURCHASE OF NATURAL GAS ("NAESB"), A LETTER OF CONFIRMATION ("CONFIRM") FOR FIRM SUPPLIES OF NATURAL GAS, AND AN ASSOCIATED SERVICES AGREEMENT ("ASA") FOR THE PURCHASE OF BUNDLED FIRM NATURAL GAS SUPPLIES AND ASSOCIATED SERVICES; AND (ii) INDIVIDUAL NAESBS AND SUBSEQUENT CONFIRMS FOR THE PURCHASE OF SUPPLEMENTAL FIRM NATURAL GAS SUPPLIES.**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized and directed to execute (i) a NAESB, Confirm, and ASA with Shell Energy of North America, L.P. ("SENA") (the "Base Supplier") with such additions, deletions, and substitutions as shall be approved by the City Attorney or her designee and the City Manager or his designee, pursuant to which for a period of three years with options for up to five years the Base Supplier shall provide the City (i) all Associated Services in a non-discriminatory manner as to the source of supply, and (ii) a minimum of 2,500 Dekatherms ("DTh")/Day and up to 100% of the City's gas requirements per day and by which the City will retain a right to secure natural gas supplies from third party natural gas suppliers on a periodic basis to meet any of its needs over and above the minimum 2,500 DTh/Day that will be supplied by the Base Supplier.

Section 2. The City Manager or his designee is further authorized and directed to execute one or more individual NAESBs and subsequent Confirms, with such additions, deletions, and substitutions as shall be approved by the City Attorney or her designee and the City Manager or his designee, pursuant to which during the five year period National Fuel Marketing, Chevron Natural Gas, Concord Energy, and JP Morgan may sell to the City and the City may purchase supplemental, firm natural gas supplies.

Section 3. Execution by the City Manager and approval by the City Attorney or their designees of the NAESBs, Confirms, and ASA ("Agreements") shall constitute conclusive evidence of this Council's approval thereof.

Section 4. The various City officers and employees are hereby authorized to execute any such other closing documents or certificates which may be required or contemplated in connection with the execution and delivery of the Agreements, and authorized and directed to perform all other acts necessary to carry out the intent and purpose of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Mesa, Arizona, this 5<sup>th</sup> day of December, 2011.

APPROVED:



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Mayor

ATTEST:

  
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City Clerk

