

BILL NO. 4706

ORDINANCE NO. 4706

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE THE SECOND AMENDMENT OF THE RENEWABLE POWER PURCHASE AGREEMENT BETWEEN THE CITY OF WEST PLAINS, MISSOURI AND EVERGY KANSAS CENTRAL, INC.

NOW THEREFORE, be it resolved by the City of West Plains as follows:

Section 1: That the Mayor is hereby authorized to execute the second amendment of the Renewable Power Purchase Agreement between the City of West Plains and Evergy Kansas Central, Inc. (EXHIBIT A).

Section 2: That this Ordinance shall be in full force and effect from and after its day of passage and approval.

PASSED AND APPROVED THIS 21 DAY OF March 2022.

CITY OF WEST PLAINS, MISSOURI

BY: Michael Topliiff
MAYOR MICHAEL TOPLIFF

ATTEST:

Allison Skinner
CITY CLERK ALLISON SKINNER



February 10, 2022

To: Sam Anselm, City Administrator
Allison Skinner, City Clerk

From: Jeff Hanshaw, Public Works Director

Re: Renewable Power Purchase Agreement, "The Solar PPA" (Second Amendment)

Executive Summary

Public Works is requesting approval of the Renewable Power Purchase Agreement, "The Solar PPA" (Second Amendment), between Evergy and City of West Plains for the Solar Facility.

Discussion

This Renewable Power Purchase Agreement Second Amendment (the "Second Amendment") is entered by and between the City of West Plains, Missouri and Evergy Kansas Central, Inc. (f/k/a Westar Energy, Inc.) to that certain Renewable Power Purchase Agreement between the Parties dated August 19, 2019, and as previously amended on May 20, 2020 (the "Solar PPA").

Exhibit A outlines the specifications for the Solar Facility if Evergy maintains an investment grade credit rating of at least BBB will be able to self-insure to the extent of the insurance requirements.

Fiscal Impact

The City will purchase the energy from the Solar Facility in accordance with the PPA. This agreement identifies the need for self-insured on the facility at Evergy's cost and this agreement adds no other additional expense.

**SECOND AMENDMENT
TO THE
RENEWABLE POWER PURCHASE AGREEMENT**

between

CITY OF WEST PLAINS, MISSOURI

and

EVERGY KANSAS CENTRAL, INC.

This Second Amendment (the “Second Amendment”) is entered into this ____ day of January, 2022, by and between the City of West Plains, Missouri (“Buyer”) and Every Kansas Central, Inc. (f/k/a Westar Energy, Inc.) (“Seller”) (together, the “Parties”), to that certain Renewable Power Purchase Agreement between the Parties dated August 19, 2019, and as previously amended on May 20, 2020 (the “Solar PPA”).

WHEREAS, the Parties have heretofore entered into the Solar PPA, as amended; and

WHEREAS, the Parties wish to further amend the Solar PPA to permit Seller to meet its insurance obligations through self-insurance if certain conditions are met.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein set forth, the parties do hereby agree as follows:

1. Amendment to Section 4.1(iv)

Amend Section 4.1(iv) by adding the following sentence at the end of the subsection:

“Notwithstanding the foregoing, so long as Seller maintains an investment grade credit rating of at least BBB- with Standard & Poor’s Rating Group or Baa3 with Moody’s Investor Services, Inc., Seller may elect to self-insure to the extent of the insurance requirements set forth in Exhibit B without approval by Buyer; *provided, however*, in the event of any destruction or all or any part of the Generating Facility during a period where the Seller elected to self-insure, Seller shall remain obligated to reconstruct the Generation Facility or the affected portion unless Seller can demonstrate to Buyer that it is not commercially reasonable to do so.”

2. Miscellaneous

(a) **Entire Agreement.** Each reference to the Solar PPA appearing in any document shall be deemed a reference to the Solar PPA as amended effective as of the execution date of this Second Amendment. Except as amended by the provisions set forth in this Second

Amendment, all other items and conditions of the Solar PPA shall remain in full force and effect following the execution of this Second Amendment.

(b) **Counterparts.** This Second Amendment may be executed in any number of counterparts with the same effect as if all signatures were upon the same instrument.

(c) **Defined Terms.** Capitalized terms not otherwise defined herein are as defined in the Solar PPA, as amended.

IN WITNESS WHEREOF, the Parties hereto agree to this Second Amendment and have caused it to be executed by their proper officers, thereunto duly authorized and their respective signatures to be hereunto affixed the day and year first above written.

CITY OF WEST PLAINS, MISSOURI

By:

Title:

EVERGY KANSAS CENTRAL, INC.

By:

Title: