

RESOLUTION NO. {{item.sequential_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A GAS RIGHTS AGREEMENT WITH WM RENEWABLE ENERGY, LLC TO CONSTRUCT AND OPERATE A RENEWABLE NATURAL GAS PRODUCTION FACILITY AT THE TEMPLE LANDFILL FOR THE SALE AND DISTRIBUTION OF THE RENEWABLE NATURAL GAS PROCESSED FROM LANDFILL GAS; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, in 2011, the City of Temple (the “City”) renewed the Temple Landfill Lease and Operations Agreement (the “Lease”) with Waste Management of Texas, Inc. (WMTX) - the Lease gave WMTX the rights to the methane gas or other gases produced as a result of solid waste disposal (Landfill Gases or LFG) and the right of first refusal to recover, process, and market the renewable natural gas converted from LFG;

Whereas, pursuant to the Lease, the City and WMTX have agreed to provide WM Renewable Energy, LLC (WMRE) the exclusive use of the LFG in connection with the construction, development, and operation of a renewable natural gas production facility on the Landfill - WMTX is an independently-owned affiliate of WMRE;

Whereas, upon Council approval, the agreement will be effective on or around May 3, 2024, and the term of the agreement is twenty years after WMRE achieves full operating capacity and begins producing renewable natural gas for sale and distribution, estimated to be on or around June 30, 2025 - WMRE is solely responsible for the production, sale, and distribution of the renewable natural gas;

Whereas, Staff recommends Council authorize a gas rights agreement with WM Renewable Energy, LLC to construct and operate a renewable natural gas production facility at the Temple Landfill for the sale and distribution of the renewable natural gas processed from landfill gas;

Whereas, WMRE will pay the City a variable Monthly Fee using an industry standard formula (as defined in the contract) based on renewable natural gas produced in the prior month, or \$25,000, whichever is greater; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

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

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes a gas rights agreement with WM Renewable Energy, LLC to construct and operate a renewable natural gas production facility at the Temple Landfill for the sale and distribution of the renewable natural gas processed from landfill gas, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

Part 3: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **2nd** day of **May, 2024**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney