

RESOLUTION NO. 2009- 132 R

A resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) for Third Party Commitment with Arc Southern Energy, LLC of Houston, Texas to fulfill the requirements of two Department of Energy grant solicitations for renewable energy deployment and research, with no cost to the City; and declaring an effective date.

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Manager is authorized to enter into a Memorandum of Understanding (MOU) for Third Party Commitment with Arc Southern Energy, LLC of Houston, Texas to fulfill the requirements of two Department of Energy grant solicitations for renewable energy deployment and research, with no cost to the City, in the form attached hereto and as approved by the City Attorney.

2.

This resolution shall become effective immediately upon adoption.

~~PASSED~~, this the 3<sup>rd</sup> day of August, 2009. **Died for lack of a motion.**

AYES:

NAYS:

ABSTENTIONS:

~~APPROVED AND ADOPTED~~, this the 3<sup>rd</sup> day of August, 2009.

\_\_\_\_\_  
WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
SCARLET SWOBODA, City Secretary

\_\_\_\_\_  
BY: GEORGE E. HYDE, City Attorney  
DENTON, NAVARRO, ROCHA & BERNAL, P.C.

Distribution:     Legal Department  
                      Environmental Services

Copies Sent: \_\_\_\_\_

Thursday, July 30, 2009

**Memorandum of Understanding**

**For**

**Third Party Commitment**

This Memorandum of Understanding is entered between Arc Southern Energy, LLC., a Texas company existing under the laws of the State of Texas, with an office located at 4540 South Pinemont, Suite 104, Houston Texas 77041, and the City of Victoria on July 30, 2009.

**WITNESSETH THAT:**

WHEREAS, Arc Southern desires to enter into this Memorandum of Understanding with the City of Victoria to fulfill the requirements of two Department of Energy grant solicitations for renewable energy deployment and research

WHEREAS ARC Southern is applying for the US Department of Energy's Financial Assistance Funding Opportunity Number: DE-FOA-0000016 for Combined Heat and Power Systems Technology Development and Demonstration

WHEREAS Arc Southern is also applying for the US Department of Energy's "Recovery Act: Community Renewable Energy Deployment", Financial Assistance Funding Opportunity Number: DE-FOA-0000122

WHEREAS Arc Southern seeks to establish a long term relationship with the City of Victoria for use of the City of Victoria's landfills to maximize renewable energy resources from landfills

WHEREAS City of Victoria is looking for opportunities to both:

1. Monetize current LFG assets
2. Enhance the LFG assets with Bioreactor Landfill to increase the current LFG volume production
3. Increase Landfill life by employing both Bioreactor Landfill and waste-to-energy technologies, i.e., Plasma Arc
4. Develop projects that reduce GHG emissions
5. Maximize Use of available renewable resource including wind energy

**NOW THEREFORE:**

In consideration of the premises, covenants, and conditions hereinafter provided, the parties hereto do mutually agree to the following:

- A. The City of Victoria hereby agrees to grant Arc Southern third party commitment to provide the landfill site for performing the field tests and validation of the new technology proposed in the grant proposals submitted to the Department of Energy as per the above mentioned solicitations
- B. This commitment is conditional to Arc Southern securing the grant with no cost to the City

Thursday, July 30, 2009

City of Victoria

By: \_\_\_\_\_

Printed Name:

Title:

DATE OF EXECUTION

Arc Southern Energy, LLC.

By: \_\_\_\_\_

Printed Name:

Title:

DATE OF EXECUTION