



RESOLUTION 2026-04

A RESOLUTION ADOPTING HEBER LIGHT & POWER COMPANY BOARD RESOLUTION NO. 2025-09

WHEREAS, Heber Light & Power Company (“HL&P”) is an energy services interlocal entity created by Heber City, Midway City, and Charleston Town (“Members”) to provide electric service to customers within the municipalities and surrounding areas;

WHEREAS, HL&P exists pursuant to an organization agreement dated October 9, 2014 (the “Organization Agreement”) among the Members under the Utah Interlocal Cooperation Act;

WHEREAS, the Organization Agreement contemplates amendments and updates as needed and sets forth a process for making such changes, with such process requiring HL&P to adopt the amendment by vote and approval of at least two of the three Members for it to become effective;

WHEREAS, the HL&P Board voted on and approved an amendment to the Organization Agreement which replaces paragraph J.2. in its entirety under HL&P Resolution No. 2025-09 on November 19, 2025; and

WHEREAS, Charleston town approved the change to the Organization Agreement by the adoption of Resolution 2025-10 on December 4, 2025; and

WHEREAS, Midway City wishes to approve the amendment outlined in Heber Light & Power Company Board Resolution No. 2025-09.

NOW THEREFORE, be it **RESOLVED** by the Midway City Council as follows:

Section 1. The Midway City Council approves of the amendment to the Heber Light & Power Company Organization Agreement as contemplated by HL&P Resolution No. 2025-09, such that paragraph J.2. of the Organization Agreement shall be replaced in its entirety with the following language:

“Distributable Income” means the amount, if any, of the Company’s net income before depreciation or amortization that is available for distribution to the Parties after the payment of all operating expenses and debt service costs of the Company and the funding of all rate stabilization, surplus, or similar funds established under the Company’s bond indenture or resolution, or of any contingency reserves determined by the Board to be reasonably necessary to pay the costs of unexpected energy price fluctuations, equipment failures, or replacement or repair of self-insured assets or to provide rate stabilization. The amount of Distributable Income shall not exceed the available amount on deposit in the rate stabilization, surplus, or similar fund established under the Company’s bond indenture or resolution.

Section 2. This Resolution shall become effective upon adoption and passage by the Midway City Council.

PASSED AND ADOPTED by the Midway City Council on the _____ day of 2026.

MIDWAY CITY

Craig Simons, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)