

VILLAGE OF ELMORE, OHIO

ORDINANCE NO. 35-21

**ORDINANCE AUTHORIZING THE EXECUTION OF THE
2022-2028 ENERGY SUPPLY SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC. ("AMP")
AND TO DECLARE AN EMERGENCY**

WHEREAS, the Village of Elmore, Ohio (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the State of Ohio, which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, in order to satisfy the electric energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased energy arranged by AMP;

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric energy for ultimate delivery to its customers;

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality;

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric energy pursuant to either variable remaining requirements arrangements or block purchases for a term beginning on January 1, 2022 and ending no later than December 31, 2028, which will provide an economical source of electric energy (herein "Long-Term Energy Purchase(s)") for Municipality;

WHEREAS, AMP, on behalf of the Municipality, desires to purchase from third party supplier(s) and then to resell the energy available from these Long-Term Energy Purchase(s) on a long term basis to Municipality at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed the up-to price per MWh set forth in the Schedule.

WHEREAS, AMP, has prepared and delivered to the Municipality the form of a 2022-2028 Energy Supply Schedule, pursuant to which the Municipality may purchase energy; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Long-Term Energy Purchase(s) to the Municipality, as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of the Long-Term Energy Purchase(s), to take actions contemplated by the resolution hereinafter set forth and to determine that the same are in the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELMORE, OHIO.

SECTION 1. That the form of the 2022-2028 Energy Supply Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1 ("Schedule"), is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Village Administrator be authorized to execute the Schedule and to acquire the Municipality's energy from one or more Long-Term Energy Purchase(s), each with a term beginning on January 1, 2022 and ending no later than December 31, 2028, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed the up-to price per MWh for purchases set forth in the Schedule, from AMP, and is further authorized to execute and deliver any and all documents necessary to participate in one or more Long-Term Energy Purchase(s), pursuant to the conditions set forth herein and therein.

SECTION 3. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 22 Nov 21

Vote to Suspend the Rules	Yeas <u>6</u>	Nays <u>0</u>
Vote on Emergency Measure	Yeas <u>6</u>	Nays <u>0</u>
To Pass	Yeas <u>6</u>	Nays <u>0</u>

ATTEST:

Matthew Demasi
Fiscal Officer

Therese
President of Council

Therese
Mayor
Mark Mulligan
Village Solicitor

FISCAL OFFICER'S CERTIFICATE AS TO PUBLICATION

This is to certify that publication of the foregoing ordinance was duly made as provided in Ordinance 14-09 adopted June 8, 2009, by the following method:

By posting certified copies thereof in the five (5) public places specified in the codified ordinances No. 14-09 said posting having been accomplished on the following:

Date: 11/22/21

Matthew Demasi
Fiscal Officer

FISCAL OFFICER'S CERTIFICATE AS TO AUTHENTICITY

I hereby certify that the foregoing Ordinance is a true copy of the aforesaid Ordinance No. _____, together with a true and accurate record of adoption by the Village of Elmore, Ohio

Matthew Demasi
Fiscal Officer