

City of Oberlin, Ohio

ORDINANCE No. 12-43 AC CMS

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH BIO ENERGY (OHIO II), LLC. AND DECLARING AN EMERGENCY

WHEREAS, the City of Oberlin, Ohio, (“Municipality”) owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, Municipality and Bio Energy (OHIO II), LLC, entered into the First Amendment to the Interconnection Agreement dated March 20, 2012 for the purpose of designing, constructing and operating interconnection facilities in order to allow delivery of generation capacity from new Bio Energy landfill gas generating facilities via the interconnection onto the wholesale transmission system; and

WHEREAS, Municipality is interconnected with the American Transmission Systems, Incorporated (ATSI), a First Energy Company, at the Municipality’s 69 kV switching station; and

WHEREAS, ATSI is requiring a three breaker bus at the interconnection point (IP upgrade) at the Municipality’s 69 kV switching station in order to accommodate new Bio Energy (OHIO II) landfill gas generating facilities; and

WHEREAS, Bio Energy (OHIO II) have requested permission to operate new landfill gas generating facilities prior to completion of IP upgrades; and

WHEREAS, Municipality, AMP and ATSI have agreed to terms and conditions of a Memorandum of Understanding (ATSI MOU) pursuant to which Municipality agrees to limit capacity injection not to exceed 20 MW into the ATSI transmission system prior to completion of the IP upgrade; and

WHEREAS, Municipality and Bio Energy (OHIO II) have negotiated terms and conditions of a Memorandum of Understanding (Bio Energy MOU) pursuant to which Bio Energy (OHIO II) agrees to all operational directives by Municipality to limit capacity injection of landfill gas generation expansion facilities into the ATSI transmission system prior to completion of the IP upgrade.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, COUNTY OF LORAIN, STATE OF OHIO, FIVE-SEVENTHS (5/7THS) OF ALL MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. That the proposed Memorandum of Understanding between the Municipality and Bio Energy (OHIO II), L.L.C., a copy being attached hereto and incorporated herein by reference, is hereby approved, and the City Manager is hereby authorized and directed to execute same on behalf of the City.

SECTION 2. If any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance 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 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


SECTION 4. That the ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operations of a municipal department, to wit:

“to authorize the Bio Energy MOU at the earliest date possible in order to accommodate their request” and shall take effect immediately upon passage.

PASSED: 1st Reading – May 21, 2012 (S, E)
2nd Reading -
3rd Reading -

ATTEST:


BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL


RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 05/22/2012

EFFECTIVE DATE: 05/21/2012