

CITY OF OBERLIN, OHIO

ORDINANCE No. 12-47 AC CMS

AN ORDINANCE TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF A CONSTRUCTION AGREEMENT WITH AMERICAN TRANSMISSION SYSTEMS, INC., AND AMERICAN MUNICIPAL POWER, INC. 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, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members (“Members”), such Members, including Municipality, being political subdivisions that operate municipal electric utility systems in Ohio, Kentucky, Michigan, Pennsylvania, Virginia and West Virginia; 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 American Transmission Systems, Incorporated (ATSI), a First Energy Company, at the Municipality’s 69 kV switching station; and

WHEREAS, ATSI is requiring execution of a construction agreement related to utility system improvements necessary to accommodate new Bio Energy (OHIO II) landfill gas generating facilities.

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:

SECTION1. That the Construction Agreement between the Municipality, American Municipal Power, Inc and American Transmission Systems, Inc., 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 operation of a municipal department, to wit:


“to execute a construction agreement in order to support landfill gas energy interconnection requirements and meet developer’s generation commercial operation date” and shall take effect immediately upon passage.

PASSED: 1st Reading - June 4, 2012 (S, E)
2nd Reading -
3rd Reading -

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 06/05/2012

EFFECTIVE DATE: 06/04/2012



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