

CITY OF OBERLIN, OHIO

ORDINANCE No. 22 - 48 AC CMS

AN ORDINANCE TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF THE 2022 LANDFILL ENERGY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING CARE OF OTHER ACTIONS IN CONNECTION THEREWITH REGARDING LANDFILL GENERATED ENERGY PURCHASES AS AN EMERGENCY MEASURE

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, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. (“AMP”), of which Municipality is a member; 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; and

WHEREAS, Municipality, acting individually and through AMP with other political subdivisions of this and other states that own and operate electric utility systems, jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. 11-2005-4444, which contemplates that Municipality shall enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, certain Members, including the Municipality have determined that they can utilize additional sources of landfill-generated electric capacity and energy and have requested that AMP arrange for the same by purchasing from landfill energy facilities; and

WHEREAS, in furtherance of this purpose, AMP will enter into an agreement with Ohio Renewable Energy Services (“ORES”) (the “2022 Landfill Energy Agreement”) under the terms of which AMP will purchase approximately 2 MW of capacity and associated energy from the landfill generation project(s) located at the Erie County Landfill; and

WHEREAS, it is necessary and desirable for Municipality to enter into the 2022 Landfill Energy Schedule to Municipality's Master Services Agreement with AMP to provide for an additional source of capacity and energy; and

WHEREAS, after due consideration, the Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire capacity and energy from the Landfill Project(s) upon those terms and conditions set forth in the 2022 Landfill Energy Schedule.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, OHIO:

SECTION 1. That the 2022 Landfill Energy Schedule between Municipality and AMP, substantially in the form attached hereto, including Exhibits thereto, are approved, and the of Municipality is hereby authorized to execute and deliver the 2022 Landfill Energy Schedule with such changes as the City Manager may approve as neither inconsistent with this Ordinance nor materially detrimental to the Municipality, execution of the 2022 Landfill Energy Schedule to be conclusive evidence of such approval.

SECTION 2. That the City Manager is hereby authorized to (i) acquire under the 2022 Landfill Energy Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 1,000 kW with a price of \$60.00/MWh for energy, capacity and environmental attributes made available thereunder without bid, and (ii) make any determinations and approvals required thereunder, if any, as the City Manager shall deem necessary and advisable.

SECTION 3. 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 4. 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 5. That this 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 enter into an agreement for the purchase of renewable energy and to facilitate the continued purchase of renewable energy from the Erie County Landfill Gas project" and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: July 5, 2022

2nd Reading:

3rd Reading:

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 07/06/2022



BRYAN BURGESS
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 07/05/2022