

CITY OF OBERLIN, OHIO

ORDINANCE NO. 22-63 AC CMS

AN ORDINANCE APPROVING THE EXECUTION OF AN EFFICIENCY SMART SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AS AN EMERGENCY MEASURE.

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

WHEREAS, American Municipal Power, Inc. (“AMP”) and the above-named member of AMP (“Municipality”) have entered into a Master Services Agreement, designated as AMP Contract No. C-11-2005-4444, pursuant to which AMP provides certain services to Municipality as set forth in various schedules to the Master Services Agreement (the “Schedules”); and

WHEREAS, AMP and the Vermont Energy Investment Corporation (“VEIC”) entered into an agreement effective January 1, 2017, as amended (collectively, the “ES Agreement”), for VEIC to provide a suite of energy efficiency services (the “Program Services”) designed to lower the total need for higher cost electric generation facilities or purchased power and thereby reduce Municipality’s customers’ bills, to be offered to AMP members (“Subscribing Member Utilities” or “SMUs”); and

WHEREAS, AMP and Municipality entered into a Schedule for Efficiency Smart Services designated as AMP Contract No. 2020-005838-SCHED (the “Prior Schedule”); and

WHEREAS, the term of the Prior Schedule will expire December 31, 2022, and Municipality desires to continue to receive ES Services; and

WHEREAS, AMP has offered to enter into this ES Schedule to provide that AMP will agree to obtain and sell to Municipality the energy efficiency services selected by Municipality (the “ES Services”) and Municipality will agree to be an SMU; and

WHEREAS, AMP has provided the Municipality with a copy of the ES Agreement; and

WHEREAS, AMP and Municipality desire to enter into a Schedule (“ES Schedule”), under the MSA, which provides that AMP will obtain and sell to Municipality, and Municipality will agree to take and pay for, a share of the ES Services which AMP has contracted to acquire in the ES Agreement.

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

SECTION 1. That the ES Schedule between Municipality and AMP, substantially in the form attached hereto as Exhibit A, including Appendices thereto, are approved, and the City Manager is hereby authorized to execute and deliver the ES Schedule, with such changes as the City Manager may approve as neither inconsistent with this Ordinance nor materially detrimental

to the Municipality, his or her execution of the ES Schedule to be conclusive evidence of such approval.

SECTION 2. That the City Manager is hereby authorized to take any action necessary for Municipality to fulfill its obligations under the ES Schedule.

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 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 provide for the continuation of Efficiency Smart Services 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 at the earliest period allowed by law.

PASSED: 1st Reading: October 17, 2022

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 10/18/2022

EFFECTIVE DATE: 10/17/2022