

CITY OF OBERLIN, OHIO

ORDINANCE No. 23-88 AC CMS

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE 2023 NPP POWER POOL PARTICIPANT SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AS AN EMERGENCY MEASURE

WHEREAS, the City of Oberlin, Ohio (“City”) is a political subdivision organized and existing pursuant to the laws of the State of Ohio that owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers; and

WHEREAS, the City is located in the PJM Interconnection, LLC (“PJM”) transmission system territory and is subject to the PJM transmission system regulations and costs as set forth in the PJM Governing Documents; and

WHEREAS, in order to satisfy the electric capacity, energy and other requirements of its electric utility system, the City has heretofore purchased economical and reliable capacity, energy and related services from American Municipal Power, Inc. (“AMP”), an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased capacity and energy arranged by AMP; and

WHEREAS, in order to take advantage of economies of scale and to recognize the joint scheduling, interconnection and operation, and transmission arrangements that AMP Members located in the ATSI transmission zone coordinate and share through AMP, those Members desire to form a combined pool NPP to jointly purchase, manage and coordinate power supplies and related services for Members executing this Schedule; and

WHEREAS, the City and AMP desire to enter into a Power Pool Schedule (“Schedule”) for the purpose of: (i) energy, capacity and related product scheduling and operations under the PJM Governing Documents and (ii) economic purchases of capacity, energy and related products for the beneficial use of Pool Participants.

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

SECTION 1. That the form of 2023 NPP Power Pool Participant Schedule including Appendices thereto between the City and AMP, be, and the same hereby is approved substantially in the form attached hereto, as **Exhibit A**, subject to and with any and all changes provided herein and therein and the City Manager is hereby authorized and directed to execute and deliver on behalf of the City said Schedule.

SECTION 2. That the City authorizes AMP to purchase on the City’s behalf, in accordance with the procedures set forth in the 2023 NPP Power Pool Participant Schedule, and the City agrees to reimburse AMP for all costs incurred by AMP for Pool Resources and services plus any service fees associated with the purchase of Pool Resources and services set forth therein.

SECTION 3. That the OMLPS Director is hereby designated as the City’s authorized personnel to approve and authorize AMP’s acquisition of Pool Resources and to vote on Pool activities in accordance with the terms and conditions in the 2023 NPP Power Pool Participant Schedule on behalf of the City.

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. If any section, subsection, paragraph, clause or provision of 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 the 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 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: for the immediate preservation of the public peace, health and safety of Oberlin, and for the further reason that it is necessary to establish the most efficient plan possible to provide Pool Resources to Oberlin, therefore, 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: December 18, 2023
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 12/19/2023

EFFECTIVE DATE: 12/18/2023