

## CITY OF OBERLIN, OHIO

### ORDINANCE No. 24-03 AC CMS

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE A SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. FOR PARTICIPATION IN THE COMMUNITY ENERGY SAVINGS SMART THERMOSTAT PROGRAM AS AN EMERGENCY MEASURE

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

WHEREAS, American Municipal Power, Inc. (“AMP”) is an Ohio nonprofit corporation organized to own and operate facilities, or to provide otherwise, for the generation, transmission, or distribution of electric power 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 Oberlin, being, as of the date hereof, political subdivisions that operate, or whose members operate, municipal electric utility systems in Delaware, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia; and

WHEREAS, AMP and Oberlin have entered into a Master Services Agreement, AMP Contract No. C-11-2005-4444, pursuant to which AMP provides certain services to Oberlin as set forth in various schedules to the Master Services Agreement (the “Schedules”); and

WHEREAS, AMP and EnergyHub, Inc. (“EnergyHub”) will enter or have entered into an agreement (the “EH Agreement”) to provide Software as a Service (“SaaS”) and program management services in order to provide a thermostat-based demand management program that has the advantages to participating AMP Members of economies of scale, mitigation of risk from local technology deployment and support, and reduced burden of ongoing support; and

WHEREAS, AMP and Oberlin desire to enter into a Schedule (“Smart Thermostat Schedule”) under the MSA, which provides that AMP will obtain and sell to Oberlin, and Oberlin will agree to take and pay for the services that AMP will acquire through the EH Agreement.

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

SECTION 1. That the Smart Thermostat Schedule between Oberlin and AMP, substantially in the form attached hereto, including Appendices thereto, are approved, and the City Manager is hereby authorized and directed to execute and deliver the Smart Thermostat Schedule, with such changes as the City Manager may approve as neither inconsistent with this Ordinance nor materially detrimental to Oberlin, his or her execution of the Smart Thermostat Schedule to be conclusive evidence of such approval.

SECTION 2. That the City Manager is hereby authorized to take any action necessary for the City to fulfill its obligations under the Smart Thermostat 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. 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 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 reduce retail customer load by controlling customer thermostats during peak times 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: February 5, 2024

2nd Reading: \_\_\_\_\_

3rd Reading: \_\_\_\_\_

ATTEST:



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BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL



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EBONI A. JOHNSON  
PRESIDENT OF COUNCIL

POSTED: 02/06/2024

EFFECTIVE DATE: 02/05/2024