

CITY OF OBERLIN, OHIO

ORDINANCE No. 24-18 AC CMS

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE A PARTICIPATING MEMBER SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. (“AMP”) TO ENROLL IN THE AMP-CPOWER DEMAND RESPONSE PROGRAM TO GO INTO IMMEDIATE EFFECT

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

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

WHEREAS, the City, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to its customers; and

WHEREAS, City has executed a Master Services Agreement with AMP, designated as AMP Contract No. C-11-2005-4444, which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the City and contemplates that City shall enter into various schedules for the provision of such power supply and other services; and

WHEREAS, City is the relevant electric retail regulatory authority (“RERRA”) over its own distribution systems and may designate AMP as an authorized designee in order for City to participate in the Demand Response (“DR”) Program to assist the grid during emergency conditions while receiving capacity payments and achieving transmission savings pursuant to the terms and conditions as set forth herein;

WHEREAS, AMP, has prepared and delivered to the City the form of a Participating Member Schedule, pursuant to which the City may enroll in the DR Program; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the DR Program to enable the City to evaluate the benefits and risks of the DR Program, to take actions contemplated by the Ordinance hereinafter set forth and to determine that the same are in the public interest; and

WHEREAS, in recognition of the unique nature of the DR Program described herein, competitive bidding is not required on the City’s participation therein, however, any competitive bidding requirement that might otherwise be applicable for the participation in the DR Program authorized by this Ordinance, should be waived.

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

SECTION 1. That the form of the Participating Member Schedule between this City and AMP, substantially in the form attached hereto as **Exhibit A**, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the City Manager or his/her designee are hereby authorized to execute the Participating Member Schedule and to enroll in the DR Program with AMP, and is further authorized to execute and deliver any and all documents necessary to participate in the DR Program, pursuant to the conditions set forth herein for a term of one year, as set forth in the Participating Member Schedule.

SECTION 3. That, to the extent not already so designated, the City hereby designates AMP as an authorized designee permitted to serve as a curtailment services provider (“CSP”), either directly or through an agent, in the City’s electric service area.

SECTION 4. That competitive bidding is not required on the City’s participation in the DR Program, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirements that might otherwise be applicable, are hereby waived.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 6. 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 7. To enroll in a demand response program to facilitate upcoming seasonal peak shaving, and provided that at least five (5) members of Council determine by motion, this Ordinance shall go into full force and effect immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: April 15, 2024
 2nd Reading: _____
 3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 04/16/2024



EBONI A. JOHNSON
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 04/15/2024