

## **CITY OF OBERLIN, OHIO**

### **ORDINANCE NO. 24-71 AC CMS**

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE JANUARY TO DECEMBER 2025 FIXED VOLUME ENERGY SUPPLY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. (“AMP”) 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 that owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and customers;

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

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

WHEREAS, City has executed a Master Services Agreement with AMP, which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the City;

WHEREAS, AMP will negotiate with one or more reputable and financially sound third-party power suppliers to enter into an agreement(s) to purchase electric energy in various megawatt (“MW”) or megawatt hour (“MWh”) blocks for a term beginning on January 1, 2025 and ending no later than December 31, 2025, all of which will provide an economical source of electric energy (herein “Long-term Energy Purchase(s)”) for City;

WHEREAS, AMP, on behalf of the City, desires to purchase from third-party supplier(s) and then to resell the energy available from these Long-term Energy Purchase(s) on a long-term basis to City at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$54.00 per MWh;

WHEREAS, AMP has prepared and delivered to the City the form of a January 2025 – December 2025 Fixed Volume Energy Supply Schedule, pursuant to which the City may purchase energy; and

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Long-term Energy Purchase(s) to the City, as such officers and representatives of the City deem necessary or appropriate, to enable the City to evaluate the benefits and risks of the Long-term Energy Purchase(s), to take actions contemplated by the Ordinance hereinafter set forth and to determine that the same are in the public interest.

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

SECTION 1. That the form of the January 2025 – December 2025 Fixed Volume Energy Supply Schedule between this City and AMP, substantially in the form attached hereto as **Exhibit A**, is hereby approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Interim City Manager be authorized to execute the January – December 2025 Fixed Volume Energy Supply Schedule and to acquire the City’s energy from one or more Long-term Energy Purchase(s), each with a term beginning on January 1, 2025 and ending no later than December 31, 2025, and with a third-party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$54.00 per MWh for purchases, from AMP, and is further authorized to execute and deliver any and all documents necessary to participate in one or more Long-term Energy Purchase(s), pursuant to the conditions set forth herein, as set forth in the January - December 2025 Fixed Volume Energy Supply Schedule; provided, however, that the volume of such purchases under the January - December 2025 Fixed Volume Energy Supply Schedule shall not exceed 4 MWh per hour (*i.e.*, 4 MW) each hour.

SECTION 3. That competitive bidding is not required on the City’s acquisition of its right to secure energy under the January - December 2025 Fixed Volume Energy Supply Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirements that might otherwise be applicable, are hereby waived.

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. To adopt Fixed Volume Energy Supply Schedule for the twelve-month term beginning in January of 2025 without delay and provided that at least five (5) members of the Council determine by motion that 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 :November 18, 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: 11/19/2024

EFFECTIVE DATE: 11/18/2024