

## **ORDINANCE NO. 10- 12 AC CMS**

### **AN ORDINANCE TO APPROVE THE FORM AND AUTHORIZE THE EXECUTION OF A LANDFILL GAS SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC., AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH REGARDING LGES LANDFILL GAS ELECTRIC GENERATION**

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

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. (“AMP”), of which Municipality is a member; and

WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity 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 Municipality, being political subdivisions that operate municipal electric utility systems in Ohio, Kentucky, Michigan, Pennsylvania, Virginia and West Virginia; and

WHEREAS, Municipality, acting individually and through AMP with other political subdivisions of other states that own and operate electric utility systems, jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract Number C-11-2005-4444, which contemplates that Municipality shall enter into various Schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, the Municipality has determined that it requires additional sources of reliable and environmentally sound “green” electric capacity and energy on a long term basis at reasonable costs, and have requested that AMP arrange for the same; and

WHEREAS, in furtherance of this purpose, AMP and Ohio Renewable Energy Services (“ORES”), have entered into an agreement under the terms of which AMP is to purchase and ORES is to supply and sell up to 1.25 MW of capacity and associated energy from Landfill Gas Energy Systems (“LGES”) for a period of thirteen (13) years; and

WHEREAS, it is necessary and desirable for Municipality to enter into the ORES Landfill Gas Schedule to Municipality’s Master Services Agreement with AMP (hereinafter “ORES Landfill Gas Schedule”) to provide for this additional source of capacity and energy; and

WHEREAS, Members now have the right, but not the obligation, to acquire landfill gas capacity and energy by approval and execution of the ORES Landfill Gas Schedule authorized below; and

WHEREAS, after due consideration, the Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, and State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the ORES Landfill Gas Schedule between Municipality and AMP, substantially in the form attached hereto or on file with the Clerk, including Exhibits thereto, are approved, and the City Manager of Municipality is hereby authorized to execute and deliver the ORES Landfill Gas 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 ORES Landfill Gas Schedule to be conclusive evidence of such approval.

SECTION 2. That the City Manager is hereby authorized to acquire under the ORES Landfill Gas Schedule, authorized above, a Contract Amount of up to 1,250 kW, and to make any determinations and approvals required thereunder, if any, as the City Manager shall deem necessary and advisable.

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 shall be in full force and effect at the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading - February 16, 2010 (E)  
2<sup>nd</sup> Reading  
3<sup>rd</sup> Reading

ATTEST:

---

BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

---

SHARON F. SOUCY  
VICE PRESIDENT OF COUNCIL

POSTED: 2/17/2010

EFFECTIVE DATE: 2/16/2010