

## **ORDINANCE NO. 10-01 AC CMS**

### **AN ORDINANCE AUTHORIZING AN EXTENSION OF THE AGREEMENT WITH WORLDOLOR (FORMERLY QUEBECOR WORLD) FOR INTERRUPTIBLE ELECTRIC SERVICE AND DECLARING AN EMERGENCY**

WHEREAS, on April 5<sup>th</sup>, 1999, Oberlin City Council approved Ordinance No. 99-26 AC CMS authorizing the execution of an Interruptible Electric Service Agreement between Oberlin Municipal Light and Power System and Quebecor World, now known as Worldcolor, providing two (2) discounts on retail electric service for a term of nine (9) years and nine (9) months, terminating December 31, 2008; and

WHEREAS, on January 20<sup>th</sup>, 2009, Oberlin City Council approved Ordinance No. 09-07 AC CMS authorizing an extension of that Interruptible Electric Service Agreement for a maximum one (1) year period, through December 31, 2009; and

WHEREAS; the Midwest Independent System Operator (MISO) is expected to release non-performance penalty rules for interruptible electric service arrangements sometime in 2010; and

WHEREAS, OMLPS and Worldcolor will need time to consider any adverse impacts associated with these as of yet not released non-performance penalties before executing a long-term Interruptible Electric Service Agreement and therefore seek to extend the current agreement for a maximum period of twelve (12) months.

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

SECTION 1. That the current agreement between Worldcolor and the Oberlin Municipal Light and Power System for interruptible electric service be, and hereby is, extended for an initial period of six (6) months, until June 30, 2010, a copy of the agreement extension letter being attached hereto and incorporated herein by reference, and the City Manager is hereby authorized and directed to execute same on behalf of the City.

SECTION 2. That the City Manager is hereby further authorized to extend said agreement for an additional period of not more than six (6) months from and after June 30, 2010, to allow for the negotiation and approval of an appropriate successor agreement, after taking into consideration the new non-performance penalty rules.

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 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 authorize an extension of an existing Interruptible Electric Service Agreement as soon as possible in order to ensure the efficient operation of the municipal electric system”*, and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading - January 4, 2010  
2<sup>nd</sup> Reading- January 19, 2010(S, E)  
3<sup>rd</sup> Reading-

ATTEST:

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**BELINDA B. ANDERSON**  
**CLERK OF COUNCIL**

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**KENNETH SLOANE**  
**PRESIDENT OF COUNCIL**

POSTED: 01/20/2010

EFFECTIVE DATE: 01/19/2010