

CITY OF OBERLIN, OHIO

ORDINANCE NO. 10-72 AC CMS

**AN ORDINANCE TO APPROVE THE FORM AND
AUTHORIZE THE EXECUTION OF A SOLAR ENERGY SCHEDULE WITH
AMERICAN MUNICIPAL POWER, INC.
AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH REGARDING
SOLAR 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 No. 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 can utilize 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 Standard Energy, LLC (“Standard”), have entered into an agreement under the terms of which AMP is to purchase and Standard is to supply and sell up to 300 MW of capacity and associated energy from Solar Energy Systems (“Solar”) from solar facilities to be constructed and connected to AMP Member electric utility systems (“Solar Facilities”) for a period of thirty (30) years; and

WHEREAS, it is necessary and desirable for Municipality to enter into the Standard Solar Energy Schedule to Municipality’s Master Services Agreement with AMP to provide for an additional source of capacity and energy; and

WHEREAS, Members now have the right, but not the obligation, to acquire solar capacity and energy from Solar Facilities by approval and execution of the Standard Solar Energy Schedule authorized below as well as have the potential to have a Solar Facility installed on the Municipality’s electric system; 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, LORAIN COUNTY, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED THERETO CONCURRING:

SECTION 1. That the Standard Solar Energy 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 is hereby authorized to execute and deliver the Standard Solar Energy 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 Standard Solar Energy Schedule to be conclusive evidence of such approval.

SECTION 2. That the City Manager is hereby authorized to (i) acquire under the Standard Solar Energy Schedule, authorized above, a Contract Amount of up to 1000 Kw; (ii) make any determinations and approvals required thereunder, if any, as the City Manager shall deem necessary and advisable; and, (iii) indicate that the Municipality desires to host a Solar Facility and negotiate for

subsequent approval of this Council any agreements required for Municipality to be a Host Municipality.


SECTION 3. 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 4. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meeting requirements.

SECTION 5. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading – October 18, 2010
2nd Reading – November 1, 2010
3rd Reading – November 15, 2010 (Effective in 30 days)

ATTEST:


BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL


KENNETH SLOANE
PRESIDENT OF COUNCIL

POSTED: 11/16/2010

EFFECTIVE DATE: 12/15/2010