

## **ORDINANCE NO. 10-82 AC CMS**

### **AN ORDINANCE AUTHORIZING THE EXECUTION OF THE JANUARY-MAY 2011 PEAKING POWER PURCHASE SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND DECLARING AN EMERGENCY**

WHEREAS, The City of Oberlin, Ohio (Oberlin) and American Municipal Power, Inc. (AMP) have entered into a Master Agreement (C-11-2005-4444) dated November 5, 2005 under which certain services may be provided under schedules thereto; and

WHEREAS, Oberlin owns natural gas and diesel capacity and associated energy, which is available for sale; and

WHEREAS, AMP has a need for peaking capacity to serve the NEASG pool; and

WHEREAS, in order to obtain a source of peaking power and associated energy, AMP desires to purchase electric power and energy from Oberlin;

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 conditions, terms and covenants attached hereto as Exhibit 1 as mutually agreed upon between the City of Oberlin and American Municipal Power, Inc., is approved substantially in the form attached hereto, subject to and with any and all changes provided herein.

SECTION 2: That the City Manager is hereby authorized to execute and deliver on behalf of this Municipality the January - May 2011 Peaking Power Purchase Schedule, substantially in the form attached hereto.

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 meetings requirements.

SECTION 5. That this Ordinance is hereby declared an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio to wit:

“to authorize a peaking power schedule at the earliest date possible to ensure uninterrupted capacity credits to the municipal electric system wholesale power charges”

and shall take effect immediate upon passage.

PASSED: 1<sup>st</sup> Reading – December 6, 2010 (S,E)  
2<sup>nd</sup> Reading -  
3<sup>rd</sup> Reading -

ATTEST:

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BELINDA B. ANDERSON, CMC  
CLERK OF COUNCIL

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KENNETH SLOANE  
PRESIDENT OF COUNCIL

POSTED: 12/07/2010

EFFECTIVE DATE: 12/06/2010