

City of Clyde, Ohio

Ordinance No. 2015-58

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO ENERGY PURCHASE POWER SUPPLY SCHEDULE WITH AMP AND DECLARING AN EMERGENCY.

WHEREAS, the City of Clyde, Ohio (the "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, Municipality entered into an Energy Purchase Power Supply Schedule with American Municipal Power Inc. ("AMP") (AMP Contract No. C-8-2013-9865) in order to purchase energy from AMP ("Energy Purchase Power Supply Schedule"); and

WHEREAS, the parties desire to amend the Energy Purchase Power Supply Schedule to authorize additional purchases of capacity and energy from AMP under similar terms and conditions for an extended term with delivery beginning on January 1, 2019 and ending no later than December 31, 2020; and

WHEREAS, AMP has provided appropriate personnel and information regarding the First Amendment of the Energy Purchase Power Supply Schedule, as such officers and representatives of this Municipality have deemed necessary or appropriate, to enable this Municipality to evaluate the benefits and risks of the additional power purchases authorized by the First Amendment to the Energy Purchase Power Supply Schedule and to take all other actions contemplated by the Ordinance hereinafter set forth, and to determine the same are in the public interest.

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

SECTION 1. The term in Article I and Section 201 of the Energy Purchase Power Supply Schedule shall be extended to December 31, 2020.

SECTION 2. A new Section 203 shall be added to establish the process to be used to enter into any new Long Term Energy purchases.

SECTION 3. No other section of the Energy Purchase Power Supply Schedule shall be amended or modified.

SECTION 4. That the City Manager is authorized to execute a 1st Amendment to the Energy Purchase Power Supply Schedule consistent with and within the scope of the authority set forth in this Ordinance.

SECTION 5. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings that were open to the public, in compliance with all legal requirements.

SECTION 6. 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.

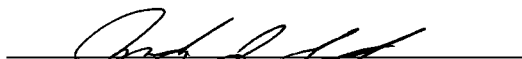
SECTION 7. That in order to assure that the Municipality can take advantage of current market prices, and to therefore protect and promote the public welfare, this Ordinance is hereby declared to be an emergency measure, which shall take effect immediately upon its passage.

PASSED: 11-3-15


G. Scott Black, Mayor

ATTEST: Janet R. Dickman
Clerk of Council

APPROVED AS TO FORM:


Zachary J. Selvey, Solicitor

ATTACHMENT
CITY OF CLYDE
FIRST AMENDMENT TO
ENERGY PURCHASE POWER SUPPLY SCHEDULE
A Schedule to
American Municipal Power, Inc,
and
City of Clyde, Ohio
Master Service Agreement No. C-1-2006-4733

WHEREAS, the City of Clyde, Ohio (the "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;

WHEREAS, Municipality entered into an Energy Purchase Power Supply Schedule with American Municipal Power Inc. ("AMP") (AMP Contract No. C-8-2013-9865) in order to purchase energy from AMP;

WHEREAS, the parties desire to amend the Energy Purchase Power Supply Schedule to authorize additional purchases of capacity and energy from AMP under similar terms and conditions for an extended term with delivery beginning on January 1, 2019 and ending no later than December 31, 2020;

WHEREAS, AMP has provided appropriate personnel and information regarding this First Amendment of the Energy Purchase Power Supply Schedule to enable Municipality to evaluate the benefits and risks of the additional energy purchases authorized by this First Amendment to the Energy Purchase Power Supply Schedule and to determine the same are in the public interest.

NOW THEREFORE, in consideration of the conditions, terms and covenants hereinafter contained, the Parties hereto do hereby mutually agree as follows.

SECTION 1. The term in Article I and Section 201 shall be modified to extend the end of the term from December 31, 2018 to December 31, 2020.

SECTION 2. A new Section 203 shall be added as follows:

SECTION 203 – PROCEDURE FOR ADDITIONAL POWER SUPPLY ACQUISITION AND SALE: The Municipality authorizes AMP to purchase energy (Long Term Energy Purchase) for the period January 1, 2019 through December 31, 2020 on behalf of the Municipality using the same process as set forth in Section 202 above.

Once a Long Term Energy Purchase is finalized and transaction confirmation executed, a copy of the final transaction confirmation between the supplier and AMP shall be added as Appendix B and become part of this Schedule.

SECTION 3. No other section of the Energy Purchase Power Supply Schedule shall be amended or modified.

CITY OF CLYDE, OHIO

AMERICAN MUNICIPAL POWER, INC.

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:



Legal Counsel

John W. Bentine
Senior VP and General Counsel