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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 28 - 2012

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO AN ENERGY
9 PURCHASE AGREEMENT KNOWN AS THE "NON-
10 POOL POWER SALES SCHEDULE" WITH AMERICAN
11 MUNICIPAL POWER, INC., AND DECLARING AN
12 EMERGENCY.

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15 WHEREAS, the City owns and operates an electric utility system for the sale
16 of electric power and associated energy for the benefit of its citizens and
17 taxpayers; and

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19 WHEREAS, in order to satisfy the electric energy requirements of its electric
20 utility system, the City has heretofore purchased electric capacity and energy
21 from American Municipal Power, Inc. ("AMP"), of which the City is a Member;
22 and

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24 WHEREAS, pursuant to Ord. No. 127-2005, AMP and the City have entered
25 into a Master Services Agreement ("MSA"), which sets forth general terms and
26 conditions under which, among other things, AMP may sell and the City may
27 purchase electric capacity and energy and other services through Schedules to
28 the MSA; and

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30 WHEREAS, in furtherance of this purpose, AMP has committed to and will
31 negotiate with one or more reputable and financially sound third party power
32 suppliers to enter into an agreement(s) to purchase electric power and/or
33 energy in various megawatt ("MW") or megawatt hour ("MWh") blocks for a term
34 beginning on January 1, 2014 and ending December 31, 2014, all of which will
35 provide an economical source of electric power and/or energy (herein "Long
36 Term Power Purchase(s)") for the City; and

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38 WHEREAS, AMP, on behalf of the City, desires to purchase from third party
39 supplier(s) and then to resell the power and energy available from these Long
40 Term Power Purchase(s) on a long term basis to the City at contract cost
41 (excluding any taxes, transmission costs, replacement power, losses, congestion
42 costs, purchased power security costs, or AMP service fees) not to exceed
43 \$45.00 per MWh for 7x24 purchases; and

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45 WHEREAS, AMP, has prepared and delivered to the City the form of a 2014
46 Non-Pool Power Sales Schedule, pursuant to which the City may purchase
47 power and/or energy; and

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49 WHEREAS, AMP has provided and will continue to provide appropriate
50 personnel and information regarding the Long Term Power Purchase(s) to the

51 City, as the Director of Public Service deems necessary or appropriate, to enable
52 the City to evaluate the benefits and risks of the Long Term Power Purchase(s),
53 to take actions contemplated by the terms hereinafter set forth and to
54 determine that the same are in the public interest,
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56 NOW THEREFORE, BE IT ORDAINED by the Council of the City of
57 Cuyahoga Falls, County of Summit, State of Ohio, that:
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59 Section 1. The Director of Public Service is authorized to enter into an
60 energy purchase agreement known as the "2014 Non-Pool Power Sales
61 Schedule" between the City and AMP, substantially in the form on file with the
62 Clerk in Council File No. _____, including Exhibits thereto.
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64 Section 2. The Director of Public Service is hereby authorized to (i)
65 acquire under the 2014 Non-Pool Power Sales Schedule, authorized above,
66 power and energy from one or more Long Term Power Purchase(s), each with a
67 term beginning on January 1, 2014 and ending December 31, 2014, and with a
68 third party contract price (excluding any taxes, transmission costs, replacement
69 power, losses, congestion costs, purchased power security costs, or AMP service
70 fees) not to exceed \$45.00 per MWh for 7x24 purchases, from AMP. The
71 Director of Public Service is further authorized to execute and deliver any and
72 all documents necessary to participate in one or more Long Term Power
73 Purchase(s), pursuant to the conditions set forth herein for a term beginning on
74 January 1, 2014 and ending December 31, 2014, as set forth in the 2014 Non-
75 Pool Power Sales Schedule; provided, however, that the total MW for all such 7
76 x 24 purchases under the 2014 Non-Pool Power Sales Schedule shall not exceed
77 10 MW.
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79 Section 3. If any section, subsection, paragraph, clause or provision or
80 any part thereof of this ordinance shall be finally adjudicated by a court of
81 competent jurisdiction to be invalid, the remainder of this ordinance shall be
82 unaffected by such adjudication and all the remaining provisions of this
83 ordinance shall remain in full force and effect as though such section,
84 subsection, paragraph, clause or provision or any part thereof so adjudicated to
85 be invalid had not, to the extent of such invalidity, been included herein.
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87 Section 4. Any other ordinances and resolutions or portions of ordinances
88 and resolutions inconsistent herewith are hereby repealed, but any ordinances
89 and resolutions or portions of ordinances and resolutions not inconsistent
90 herewith and which have not previously been repealed are hereby ratified and
91 confirmed.
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93 Section 5. It is found and determined that all formal actions of this
94 Council concerning and relating to the passage of this ordinance were taken in
95 an open meeting of this Council and that all deliberations of this Council and of
96 any committees that resulted in those formal actions were in meetings open to
97 the public, in compliance with all legal requirements including Chapter 107 of
98 the Codified Ordinances.
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100 Section 6. This ordinance is hereby declared to be an emergency
101 measure necessary for the preservation of the public peace, health, safety,
102 convenience and welfare of the City of Cuyahoga Falls and the inhabitants
103 thereof, and provided it receives the affirmative vote of two-thirds of the
104 members elected or appointed to Council, it shall take effect and be in force
105 immediately upon its passage and approval by the Mayor; otherwise it shall
106 take effect and be in force at the earliest period allowed by law.

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Passed: 3-12-12

Mark Hayes
President of Council

Cathleen J. Meacham
Clerk of Council

Approved: DR 3/15/12

D. Robert
Mayor

2/27/12

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