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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 14 - 2013

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO AN AMENDMENT
9 OF CITY CONTRACT NO. 6699, AN ENERGY
10 PURCHASE CONTRACT KNOWN AS THE
11 "ECOSMART CHOICE PROGRAM," WITH AMERICAN
12 MUNICIPAL POWER, INC. AND DECLARING AN
13 EMERGENCY.

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15 WHEREAS, the City of Cuyahoga Falls ("City") operates a municipal electric
16 utility system; and

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18 WHEREAS, American Municipal Power, Inc. ("AMP") is an Ohio nonprofit
19 corporation that functions as a wholesale power supplier and services provider
20 for certain member municipalities, including the City, that operate electric
21 systems ("Members"); and

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23 WHEREAS, on May 18, 2011, the City and AMP entered into City
24 Contract No. 6699, an energy purchase agreement known as the EcoSmart
25 Choice Program Agreement ("EcoSmart Choice Program") that provides for the
26 sale of green energy electricity products, including energy generated from
27 hydroelectric, wind and landfill gas facilities, to participating customers of the
28 City's Electric System; and

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30 WHEREAS, the EcoSmart Choice Program has been modified to include
31 the Sustainability Grant program whereby, in the event that EcoSmart Choice
32 Program revenues exceed program expenses in an amount equal to or exceeding
33 \$5000.00 in a given calendar year, AMP will provide Sustainability Grants to
34 eligible Participating Members pursuant to the terms and conditions set forth in
35 the revised Participating Member Agreement; and

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37 WHEREAS, the City desires to continue to participate, and AMP desires
38 for the City to continue to participate, in the EcoSmart Choice Program, on
39 terms and conditions as generally set forth in the revised participating member
40 agreement between AMP and the City ("Participating Member Agreement"), on
41 file with the Clerk,

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43 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
44 Cuyahoga Falls, County of Summit and State of Ohio, that:

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46 Section 1. The Director of Public Service is hereby authorized to enter
47 into an amendment of City Contract No. 6699, an energy purchase agreement
48 known as the EcoSmart Choice Program, by means of the amended
49 Participating Member Agreement between AMP and the City, substantially in

50 the form of the Participating Member Agreement now on file with the Clerk of
51 Council in Council File No. _____.

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53 Section 2. Any other ordinances or resolutions or portions of
54 ordinances and resolutions inconsistent are hereby repealed, but any
55 ordinances and resolutions not inconsistent herewith and which have not
56 previously been repealed are hereby ratified and confirmed.

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58 Section 3. It is found and determined that all formal actions of the
59 Council concerning and relating to the adoption of this Ordinance were adopted
60 in an open meeting of this Council, and that all deliberations of this Council
61 and any of its committees that resulted in such formal action, were in meetings
62 open to the public, in compliance with all legal requirements including Chapter
63 107 of the Codified Ordinances.

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65 Section 4. This ordinance is hereby declared to be an emergency
66 measure necessary for the preservation of the public peace, health, safety,
67 convenience and welfare of the City of Cuyahoga Falls and the inhabitants
68 thereof and provided it receives the affirmative vote of two-thirds of the
69 members elected or appointed to Council, it shall take effect and be in force
70 immediately upon its passage and approval by the Mayor; otherwise it shall
71 take effect and be in force at the earliest period allowed by law.

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Passed: 2-25-13



President of Council


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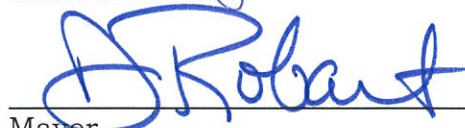
Clerk of Council

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Approved: 2/26/13



Mayor

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2/11/13

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