

ORDINANCE NO. 93-13 AC CMS

AN ORDINANCE APPROVING THE FORM
AND AUTHORIZING THE EXECUTION OF A
MODIFICATION OF POOL PARTICIPANT SCHEDULE OB-PPA-3

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

WHEREAS, the City of Oberlin (Municipality) owns and operates an electric utility system for the benefit of Municipality, its citizens and taxpayers; and

WHEREAS, by working jointly with American Municipal Power-Ohio, Inc. ("AMP-Ohio") and the other municipalities which make up the Northeast AMP-Ohio Service Group (NEASG), Municipality has been able to supply its electric utility consumers with reliable service at relatively low rates; and

WHEREAS, Municipality and AMP-Ohio have entered into an agreement dated May, 1986 for the purchase and sale of power and other services (Generic Contract) as authorized by Ordinance No. 86-28 AC CMS; and

WHEREAS, pursuant to Ordinance No. 90-63 AC CMS, dated September 6, 1990. Municipality entered into a certain power purchase contract with AMP-Ohio which is a Schedule to the Generic Contract (Pool Participant Schedule), along with the other municipalities which comprise the NEASG, which enables the City, acting jointly with AMP-Ohio and the NEASG, to procure reliable, low-cost power supply; and

WHEREAS, pursuant to the Pool Participant Schedule, AMP-Ohio is the supplier of wholesale power and energy to Municipality and

WHEREAS, AMP-Ohio endeavors to arrange for reliable, reasonable priced supplies of electric power and energy for delivery to Municipality; and

WHEREAS, it may be in Municipality's best interest to purchase Substitute Capacity from time to time over and above the amounts currently contemplated in the Pool Participant Schedule from sources other than AMP-Ohio; and

WHEREAS, to purchase such Substitute Capacity it is thus necessary to modify the Pool Participant Schedule to provide for such purchases.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, Ohio:

SECTION 1. That the form of the Modification to Pool Participant Schedule attached hereto as Exhibit 1, between AMP-Ohio and Oberlin, be and it hereby is approved, subject to and with any and all changes therein, as hereinafter provided.

SECTION 2. That the City Manager be, and hereby is, authorized and directed to execute and deliver on behalf of Municipality the modification substantially in the form of the attached Exhibit 1, with such changes, insertions, deletions and substitutions therein, if any, as the City Manager shall deem necessary and advisable and shall execute any and all necessary agreements or contracts or give such approvals as are necessary to complete the transactions contemplated herein.

SECTION 3. That any other ordinances and resolutions or portions of ordinances and resolutions inconsistent herewith be, and the same hereby are repealed, but, any ordinances and resolutions or portions of ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and affirmed.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

PASSED: 1st Reading - March 1, 1993
2nd Reading - March 15, 1993
3rd Reading - April 5, 1993

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: April 9, 1993

EFFECTIVE DATE: May 6, 1993