

**ORDINANCE NO. 047-13**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE SHORT TERM POWER PURCHASES AND SALES WITH AMERICAN MUNICIPAL POWER, INC. ("AMP"); AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon, Ohio (the "Municipality") is a political subdivision organized and existing pursuant to the laws of the state of Ohio, which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

**WHEREAS**, in order to satisfy the electric power (capacity) and energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable capacity and energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased the same arranged by AMP; and

**WHEREAS**, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of electric supply and other services by AMP to the Municipality; and

**WHEREAS**, since it is difficult to predict the precise amounts of electric capacity, energy and/or related services required by the Municipality's electric system in each hour over time, flexibility to both buy and sell the same over the short term can enhance the economics of the Municipality's electric system and help hold down consumer rates.

**WHEREAS**, AMP has arrangements regarding the purchase of electric energy, capacity, financial transmission rights (FTRs) and/or related services for a term no greater than one year with one or more reputable and financially sound third parties, which will provide economical electric capacity, energy and/or related services (herein "Short Term Power Purchase(s)") for Municipality; and

**WHEREAS**, AMP has arrangements regarding the sale of excess electric capacity, energy and/or related services for a term no greater than one year with one or more reputable and financially sound third parties, which will provide an economical manner to sell any Municipality's excess electric capacity, energy and/or other related services (herein "Short Term Power Sale(s)") for the benefit of the Municipality; and

**WHEREAS**, AMP has provided and will continue to provide appropriate personnel and information regarding the Short Term Power Purchase(s) and Sale(s), as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of such Short Term Power Purchase(s) and Sale(s) and provide direction to AMP regarding the same; now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That the City Manager or the City Manager's designee are hereby authorized to approve and execute Short Term Power Purchases and Sales, or to delegate the same to AMP, with a term no greater than one year. Such approval(s) or delegations may be provided to AMP via written communication, E-mail or recorded telephone line.

Section 2. That competitive bidding is not required on the Municipality's Short Term Power Purchases or Short Term Power Sales, and in the event any

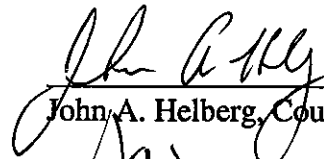
competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

Section 3. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

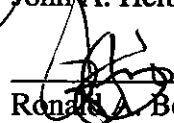
Section 4. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to secure the lowest possible price for power before the price goes up; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law.

Passed: September 3, 2013

  
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John A. Helberg, Council President

Approved: September 3, 2013

  
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Ronald A. Behm, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 047-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the \_\_\_\_\_ day of \_\_\_\_\_; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

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Gregory J. Heath, Clerk/Finance Director