

RESOLUTION NO. 061-15

**A RESOLUTION AUTHORIZING EXECUTION OF THE FIRST
AMENDMENT TO RATE LEVELIZATION SCHEDULE WITH AMP;
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Napoleon, 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 a Rate Levelization Schedule with American Municipal Power Inc. (“AMP”) (AMP Contract No. C-7-2013-9668) (copy attached as Exhibit “A” hereto) in order to levelize power costs (“Rate Levelization Schedule”); and,

WHEREAS, the parties desire to amend the Rate Levelization Schedule (copy of First Amendment to Rate Levelization Scheduled attached as Exhibit “B” hereto) to provide ongoing flexibility to better manage the fluctuations in the cost of capacity and energy that can otherwise cause unpredictable and undesirable variability in projecting cash flow needs and variations in consumers’ bills; Now Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

SECTION 1. Article II(D), in Exhibit A, establishing the credit schedule shall be deleted and replaced with a new credit schedule extending through December 31, 2017; such new credit schedule is delineated in Section 1 of Exhibit B.

SECTION 2. The Term of Agreement; Termination section in Article III of the Rate Levelization Schedule (Exhibit A) shall be extended to December 31, 2017 as delineated in Section 2 of Exhibit B.

SECTION 3. The procedures set forth in the Schedule regarding modifications to the Schedule are revised to create a streamlined process to adjust the credit amounts at Municipality’s direction. Accordingly, Article V(A) in Exhibit A, regarding modifications, shall be deleted and replaced with new Articles VI and VII, as delineated in Section 3 of Exhibit B, to describe the new modification process.

SECTION 4. All other terms and conditions of the Rate Levelization Schedule (Exhibit A) shall remain in full force and effect.

SECTION 5. The City Manager or the City Manager’s designee is authorized to execute this First Amendment to the Rate Levelization Schedule, Exhibit B, consistent with and within the scope of the authority set forth in this Resolution.

SECTION 6. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution 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.

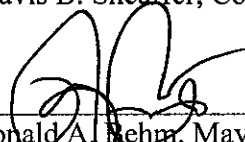
SECTION 7. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

SECTION 8. That, this Resolution 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 allow for economic projects to timely move forward; projects that will create jobs; 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.

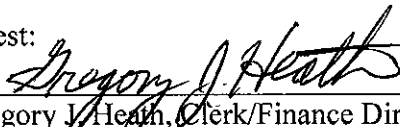
Passed: November 16, 2015


Travis B. Sheaffer, Council President

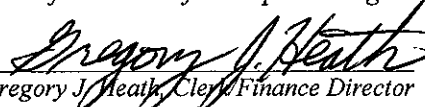
Approved: November 16, 2015


Ronald A. Behm, Mayor

VOTE ON PASSAGE Yea Nay 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 Resolution No. 061-15 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 2nd day of December, 2015; & 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.


Gregory J. Heath, Clerk/Finance Director