

**RESOLUTION NO. 001-18**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A RATE  
ADJUSTMENT FOR THE ECOSMART CHOICE PROGRAM THROUGH  
AMERICAN MUNICIPAL POWER, INC. (AMP), COMMENCING  
JANUARY 1, 2018, AMENDING ORDINANCE NO. 055-12; AND  
DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon, Ohio 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**, the City of Napoleon is a member of the American Municipal Power, Inc. (AMP), which was formerly known as American Municipal Power-Ohio, Inc., a non-profit corporation in the State of Ohio whose members are municipal corporations, in this state and elsewhere, that own and operate electric utility systems; and,

**WHEREAS**, AMP exists for a public purpose, namely to assist the municipally owned electric systems of the State of Ohio in obtaining and providing safe, reliable, and reasonably priced electric power for their citizens and customers; and,

**WHEREAS**, Council previously passed Ordinance No. 055-12, authorizing the City Manager to enter into an energy purchase agreement known as the EcoSmart Choice Program with AMP and establishing the rates for said program; **Now Therefore**,

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

Section 1. That, the AMP Board of Trustees, on November 16, 2017, voted to reduce the EcoSmart Choice program price from five dollars per megawatt per hour (\$5/mWh) to three dollars per megawatt per hour (\$3/mWh) effective January 1, 2018.

Section 2. That, each EcoSmart Choice contract references a ninety (90) day notification period prior to any rate changes, however this Resolution effectively waives said ninety (90) day notification requirement, allowing the rate adjustment for the City to begin January 1, 2018.

Section 3. That, this Resolution does not prohibit the City from charging an appropriate higher rate to accommodate for administrative or other costs associated with the sales of electric capacity and associated energy for the benefit of its citizens and taxpayers.

Section 4. That, this Resolution amends certain sections of Ordinance No. 055-12 regarding rates for the EcoSmart Choice Program.

Section 5. 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 6. 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.

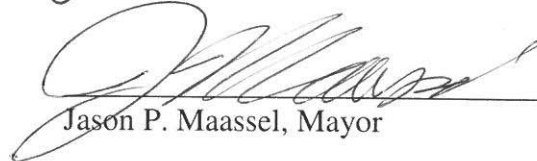
Section 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants,

and for the further reason that this legislation must be in effect at the earliest possible time to allow for the program rate adjustment to begin by January 1, 2018; 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: January 2, 2018

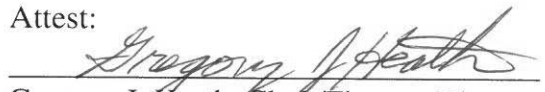
  
Joseph D. Bialorucki, Council President

Approved: January 2, 2018


  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

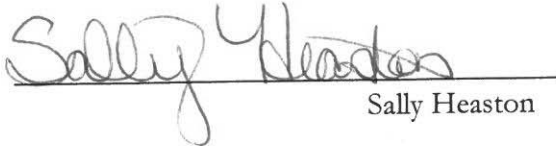
  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 001-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 18th day of January, 2018; & 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.*

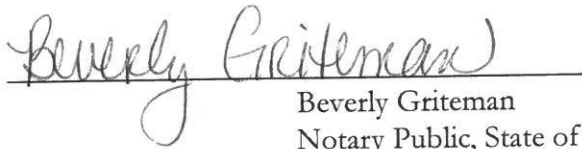
  
Gregory J. Heath, Clerk/Finance Director

STATE OF OHIO  
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 18th day of January 2018.

  
Sally Heaston

Subscribed and sworn to before me this 18th day of January, 2018

  
Beverly Griteman  
Notary Public, State of Ohio  
My Commission Expires February 13, 2021

Printer's Fee: \$103.05

Notary Fee: \$1.50

**LEGAL NOTICE**

**Summary of Resolution No. 001-18**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

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In this legislation, the City of Napoleon authorized a reduction in price in the EcoSmart Choice program through AMP, commencing January 1, 2018.

All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director