

RESOLUTION NO. 002-19

A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF AN OPERATIONS AND MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY OF NAPOLEON, OHIO AND AMERICAN MUNICIPAL POWER, INC.

WHEREAS, the City of Napoleon (the "Municipality") is a member of the American Municipal Power, Inc. ("AMP", and formerly known as American Municipal Power-Ohio, Inc.), a non-profit corporation in the State of Ohio whose members are Ohio Municipal Corporations 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, the City of Napoleon, Ohio 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 and energy requirements of its electric utility system, the Municipality has heretofore purchased, economical, environmentally sound and reliable power and energy from, or arranged by, American Municipal Power, Inc. of which Municipality is a member; and,

WHEREAS, in furtherance of such purpose and in accordance with Resolution No. 014-18, passed unanimously by City Council on April 2, 2018, Municipality sold City owned bulk electric system assets to AMP; and,

WHEREAS, AMP is now desirous to retain Municipality for the provision of certain operations and maintenance services at the facility, and Municipality is willing to perform such services under the terms and conditions set forth in this Agreement; **Now Therefore,**

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

Section 1. That, Operations and Maintenance Services Agreement between this Municipality and AMP, substantially in the form attached hereto, and on file with the Finance Director, including Appendices thereto, is approved, and the City Manager is hereby authorized to execute and deliver such Agreement, with such changes as the City Manager may approve as neither inconsistent with this Resolution nor materially detrimental to the Municipality, his execution of the Agreement to be conclusive evidence of such approval.

Section 2. That, the City Manager is hereby authorized to enter into the Operations and Maintenance Services Agreement, upon the effective date as determined in the Operations and Maintenance Services Agreement.

Section 3. That, all other terms and conditions of the Operations and Maintenance Services Agreement shall remain in full force and effect.

Section 4. 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 5. 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 6. That, this Resolution shall be in full force and effect at the earliest time permitted by law.

Passed:

2/18/19

Daniel L. Baer
Joseph D. Biakofski, Council President Pro-Tem

Approved:

Feb. 18, 2019

Jason P. Maassel
Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:

Roxanne Dietrich

Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 002-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 23rd day of February, 2019; & 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.

Roxanne Dietrich
Roxanne Dietrich, interim Clerk of Council

STATE OF OHIO
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher 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 23rd day of February, 2019.

Kimberly Imm
Kimberly Imm

Subscribed and sworn to before me this
26th day of February, 2019

Beverly Griteman

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

Printer's Fee: \$295.00

Notary Fee: \$2.00

Summary of Ordinance No.(s) 013-19, 014-19, 015-19 and
Resolution No.(s) 002-19, 003-19, 004-19, 005-19, 006-19

(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
therefor.

Ordinance No. 013-19

AN ORDINANCE AMENDING ORDINANCE NO.(S) 057-
18 AND 075-18 REGARDING EMPLOYMENT STATUS OF
THE NAPOLEON MUNICIPAL COURT CHIEF PROBATION
OFFICER IN AND FOR THE YEAR 2019; AND DECLARING
AN EMERGENCY

In this legislation, the City of Napoleon amended the previous
legislation regarding the employment status of the Municipal
Court Chief Probation Officer in and for the year 2019.

Ordinance No. 014-19

AN ORDINANCE AUTHORIZING A PAY INCREASE FOR
THE CITY OF NAPOLEON, OHIO LAW DIRECTOR; AND
DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized a pay increase
for the City Law Director.

Ordinance No. 015-19

AN ORDINANCE AUTHORIZING A PAY INCREASE FOR
THE CITY OF NAPOLEON, OHIO CITY MANAGER; AND
DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized a pay increase
for the City Manager.

Resolution 002-19

A RESOLUTION AUTHORIZING THE APPROVAL AND
EXECUTION OF AN OPERATIONS AND MAINTENANCE
SERVICES AGREEMENT BETWEEN THE CITY OF
NAPOLEON, OHIO AND AMERICAN MUNICIPAL POWER,
INC.

In this legislation, the City of Napoleon authorized an operations
and maintenance services agreement with American Municipal
Power, Inc.

Resolution 003-19

A RESOLUTION AUTHORIZING THE CITY MANAGER FOR
THE CITY OF NAPOLEON, OHIO TO COMPLETE ALL ACTS
NECESSARY FOR THE SALE OF CERTAIN PROPERTY
OWNED BY THE CITY OF NAPOLEON, OHIO, TO THE
NAPOLEON AREA CITY SCHOOLS, TO WIT: RECORDING
EQUIPMENT PREVIOUSLY USED TO FULFILL THE NCTV
CONTRACT BETWEEN THE CITY AND NAPOLEON AREA
SCHOOLS; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized the City
Manager to sell recording equipment previously used for NCTV
obligations to Napoleon Area Schools.

Resolution 004-19

A RESOLUTION AUTHORIZING A COMMUNITY
REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE
CITY OF NAPOLEON, OHIO, AND JANMAR PROPERTIES,
LLC WITHIN NAPOLEON CRA #6; AND DECLARING AN
EMERGENCY

In this legislation, the City of Napoleon authorized a CRA
agreement with JanMar Properties, LLC within Napoleon CRA
#6.

Resolution 005-19

A RESOLUTION AUTHORIZING A COMMUNITY
REINVESTMENT AREA (CRA) AGREEMENT BETWEEN
THE CITY OF NAPOLEON, OHIO, AND MSG INVESTMENTS,
LTD. WITHIN NAPOLEON CRA #5; AND DECLARING AN
EMERGENCY

In this legislation, the City of Napoleon authorized a CRA
agreement with MSG Investments, LTD. within Napoleon CRA
#5.

Resolution 006-19

A RESOLUTION AUTHORIZING A COMMUNITY
REINVESTMENT AREA (CRA) AGREEMENT BETWEEN THE
CITY OF NAPOLEON, OHIO, AND RIDI REIO LLC WITHIN
NAPOLEON CRA #7; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon authorized a CRA
agreement with Ridi Reio LLC within Napoleon CRA #7.

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