

**ORDINANCE NO. 030-21**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT OR CONTRACTS, FOR THE SALE OF CITY OWNED BULK ELECTRIC SYSTEM (BES) 69KV ASSETS TO AMERICAN MUNICIPAL TRANSMISSION, LLC, A SUBSIDIARY OF AMERICAN MUNICIPAL POWER, INC. (AMP); AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Napoleon, Ohio owns Bulk Electric System (BES) 138KV assets at the Northside Substation and related equipment; and,

**WHEREAS**, American Municipal Power, Inc. ("AMP"), is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including this Municipality, being political subdivisions that operate municipal electric utility systems in Delaware, Indiana, Kentucky, Ohio, Maryland, Michigan, Pennsylvania, Virginia and West Virginia; and,

**WHEREAS**, American Municipal Transmission, LLC is an Ohio nonprofit limited liability company, and a subsidiary of American Municipal Power, Inc. ("AMP"), organized to own and operate facilities, or to provide otherwise, for the transmission of electric energy, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP's members, including the City of Napoleon, Ohio; and,

**WHEREAS**, recent Federal Energy Regulatory Commission ("FERC"), North American Electric Reliability Corporation ("NERC") and PJM Interconnection, L.L.C. ("PJM") regulations require Municipality to become a NERC and PJM transmission owner, thereby substantially increasing the number of regulations imposed upon Municipality; and,

**WHEREAS**, American Municipal Transmission, LLC is willing to purchase the Municipality's transmission facilities in order to relieve the Municipality of the transmission owner obligations and responsibilities associated with the ownership and operation of the aforementioned equipment. **Now Therefore,**

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

Section 1. That, The City Manager is hereby authorized to enter into a contract or contracts with American Municipal Transmission, LLC for the sale of Bulk Electric System (BES) Transmission Elements and related Protection System equipment and appurtenances.

Section 2. That, any other Ordinances and Resolutions or portions of Ordinances and Resolutions inconsistent herewith are hereby 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 confirmed.

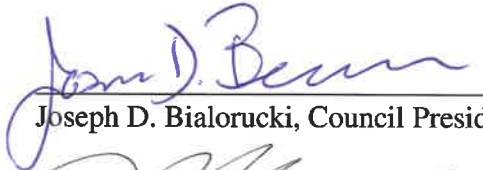
Section 3. That, it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an

open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

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 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.

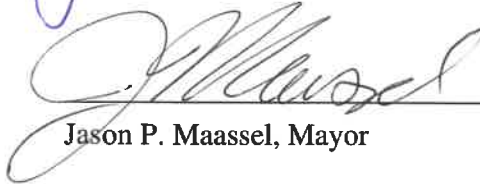
Section 5. That, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to enter into the stated contract in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: September 7, 2021



Joseph D. Bialorucki, Council President

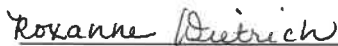
Approved: September 7, 2021



Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:



Roxanne Dietrich, Clerk of Council

*I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 030-21 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 14th day of September, 2021; & 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, Clerk of Council

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 11 day of September, 2021.

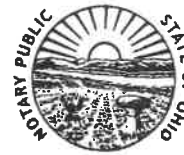
Sally Heaston  
Sally Heaston

Subscribed and sworn to before me this

16 day of September 2021

Kristi Clark

Kristi Clark  
Notary Public,  
State of Ohio  
My Commission  
Expires October 25, 2025



KRISTI L CLARK  
Notary Public  
State of Ohio  
My Comm. Expires  
October 23, 2025

Printer's Fee: \$225<sup>00</sup>

Notary Fee: \$ 3<sup>00</sup>

**PUBLIC NOTICE**

**Summary of Ordinance No.(s) 030-21, 035-21  
and Resolution No.034-21**

(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 River-view 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.

**Ordinance No. 030-21**

**AN ORDINANCE AUTHORIZING THE CITY MAN-AGER TO ENTER INTO A CONTRACT OR CON-TRACTS, FOR THE SALE OF CITY OWNED BULK ELECTRIC SYSTEM (BES) 69KV ASSETS TO AMERICAN MUNICIPAL TRANSMISSION, LLC, A SUBSIDIARY OF AMERICAN MUNICI-PAL POWER, INC. (AMP); AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized