

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2016-06

Ordinance No. \_\_\_\_\_

Passed APRIL 19, 2016

## **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, the city is one of several municipalities currently participating in the Miami Valley Communications Council (“MVCC”) electric generation supply agreement with DP&L Energy Resources, Inc. (“DPLER”) for the provision of electric generation and transmission supply services through December 31, 2016 (collectively referred to as the “Participating Municipalities”) and

**WHEREAS**, in accordance with the Public Utilities Commission of Ohio rules and regulations, the Participating Municipalities have the opportunity to maximize savings on the generation and transmission portion of their electric service costs through the selection of a competitive retail electric service provider; and

**WHEREAS**, the Participating Municipalities desire to seek competitive pricing for a new electric generation and transmission supply service agreement (“Agreement”) for municipal accounts; and

**WHEREAS**, the Participating Municipalities desire to authorize MVCC and its Executive Director to act as procuring agents, along with any consultant utilized by MVCC (collectively, the “Procuring Agents”) to seek competitive pricing for electric generation and transmission supply services; and

**WHEREAS**, time is of the essence in securing the best possible electric generation and transmission supply rates and the Participating Municipalities will need to be able to sign a new Agreement immediately upon identifying the lowest and best competitive supplier due to market pricing requirements and deadlines; and

**WHEREAS**, the Participating Municipalities desire to authorize their respective City Managers to enter into a new Agreement with the lowest and best competitive supplier immediately after the Procuring Agents have identified and recommended such supplier; and

**WHEREAS**, the City is authorized as a charter municipality to exercise all powers of local self-government.

## **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

### **SECTION I:**

MVCC and its Executive Director, along with any consultant utilized by MVCC, are hereby authorized to act as Procuring Agents to identify a competitive retail electric service provider for electric generation and transmission supply services. However, nothing in this Ordinance shall authorize such Procuring Agents to contractually bind the City to accept or enter into an Agreement with any such service provider, or to otherwise bind the City.

### **SECTION II**

The City Manager is hereby authorized to execute an Agreement and any other necessary documents on behalf of the City for electric generation and transmission supply services with a competitive retail electric service provider.

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## SECTION III

Because the Participating Municipalities must be able to sign a new contract immediately upon identifying the lowest and best competitive supplier in order to secure such rate and leverage the buying power of the group, this Ordinance is hereby declared an emergency and shall take effect immediately upon passage.

## SECTION IV

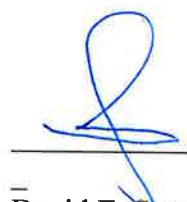
It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

PASSED this 19th day of APRIL 2016.

ATTEST:



Meghan Wheeler, Clerk



David E. Seagraves, Mayor

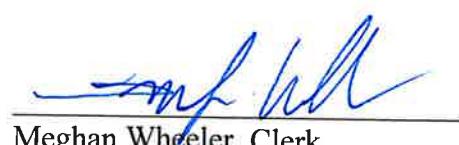
## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2016-06 passed by the Council of the City of Brookville, Ohio, on the 19th day of APRIL 2016.

  
Meghan Wheeler, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2016-06 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 28th day of APRIL 2016 to the 29th day of MAY 2016, both days inclusive.

  
Meghan Wheeler, Clerk