

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2022-20**

**AUTHORIZING THE VILLAGE MANAGER PURSUANT TO THE MASTER SERVICE
AGREEMENT WITH AMERICAN MUNICIPAL POWER, INC. TO EXECUTE THE 2022
LANDFILL ENERGY SCHEDULE FOR LANDFILL GENERATED ENERGY PURCHASES**

WHEREAS, the Village of Yellow Springs, Ohio (“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; and

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. (“AMP”), of which Municipality is a member; and

WHEREAS, 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 Municipality, being political subdivisions that operate municipal electric utility systems; and

WHEREAS, Municipality, acting individually and through AMP with other political subdivisions of this and other states that own and operate electric utility systems, jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. 10-2005-4379 as approved by Resolution 2005-55 on December 5, 2005, which contemplates that Municipality shall enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, certain Members, including the Municipality have determined that they can utilize additional sources of reliable and economical Landfill generated electric capacity and energy at reasonable costs, and have requested that AMP arrange for the same by purchasing from Landfill energy facilities; and

WHEREAS, in furtherance of this purpose, AMP will enter into an agreement with Ohio Renewable Energy Services (“ORES”) (the “2022 Landfill Energy Agreement”) under the terms of which AMP is to purchase approximately 2 MW of capacity and associated energy from Landfill generation project(s) located within the PJM Footprint for a period of seventeen (17) months; and

WHEREAS, it is necessary and desirable for Municipality to enter into the 2022 Landfill Energy Schedule to Municipality’s Master Services Agreement with AMP to provide for an additional source of capacity and energy; and

WHEREAS, after due consideration, the Municipality has determined it is reasonable and in its best interests to proceed as authorized below and requests and authorizes AMP to acquire capacity and energy from the Project(s) upon those terms and conditions set forth in the 2022 Landfill Energy Schedule.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO THAT:

SECTION 1. Council approves the 2022 Landfill Energy Schedule between Municipality and AMP, substantially in the form attached to this Ordinance with multiple incorporated Exhibits. The Village Manager is authorized to execute and deliver the 2022 Landfill Energy Schedule with such changes as the Village Manager may approve as neither inconsistent with this Ordinance nor materially detrimental to the Municipality, such execution of the 2022 Landfill Energy Schedule to be conclusive evidence of such approval.

SECTION 2. The Village Manager is further authorized to (i) acquire under the 2022 Landfill Energy Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 700 kW with a price not to exceed \$60.85 per MWh for distribution, PJM, energy, capacity and environmental attributes made available thereunder without bid, and (ii) make any determinations and approvals required, if any, as the Village Manager shall deem necessary and advisable.

SECTION 3. If any language of this Ordinance is adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part so adjudicated to be invalid had not, to the extent of such invalidity, been included.

SECTION 4. Pursuant to Section 206.01(f)(5) and (f)(6) of the Yellow Springs Codified Ordinances, competitive bidding is not required for the purchase of power and energy, through the 2022 Landfill Energy Schedule, as the Village is obtaining procurement through AMP as a qualified nonprofit agency in accordance with Ohio laws and the purchase is for the goods/services of a public utility.

Brian Housh, President of Council

Passed: 6-6-2022

Attest: _____
Judy Kintner, Clerk of Council

Roll Call:

Housh __Y__ MacQueen_Y__ Stokes_Y__
Brown __Y__ DeVore-Leonard_Y__