

SPONSOR: Heath Stewart

ORDINANCE NO. 80-07

AN ORDINANCE TO AUTHORIZE THE EXECUTION OF THE ONE OR MORE NON-POOL POWER SALES SCHEDULE(S), AND DECLARING AN EMERGENCY

WHEREAS, the City of Jackson, Ohio (the "Municipality"), 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 and reliable power and energy from AMP-Ohio, of which the Municipality is a member, or has heretofore purchased power arranged by AMP-Ohio; and

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP-Ohio, endeavors to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to its customers; and

WHEREAS, Municipality has executed a Master Services Agreement with AMP-Ohio which sets forth the general terms and conditions for the provision of power supply and other services by AMP-Ohio to the Municipality; and

WHEREAS, AMP-Ohio is negotiating, or will negotiate, with one or more reputable third party power suppliers seeking an agreement to purchase electric power and associated energy in various megawatt blocks for extended terms with delivery beginning in 2008, each purchase with a term to end no later than December 31, 2017, all of which will provide an economical source electricity and associated energy (herein "Long Term Power Purchase(s)") for Municipality and other AMP-Ohio Members; and

WHEREAS, AMP-Ohio desires to purchase and then to resell the power and energy available from the Long Term Power Purchase(s) on a long term basis to certain of its members (herein "Municipalities") at a contract cost (excluding any taxes, transmission costs, replacement power, financing costs, purchased power security costs, or AMP-Ohio service fees) for each purchase not to exceed \$0.05400 per kWh for a 7x24 purchase and \$0.06900 per kWh for a 7x24 purchase, consistent with the savings achieved through bulk Long Term Power Purchase(s); and

WHEREAS, AMP-Ohio, has prepared and heretofore delivered to this Municipality the form of a Non-Pool Power Sales Schedule pursuant to which the Municipality may purchase power and energy through one or more Non-Pool Power Sales Schedule(s), and to arrange for the delivery of the Municipality's purchased energy; and

WHEREAS, AMP-Ohio has provided appropriate personnel and information regarding the Long Term Power Purchase(s) to the Municipality, as such officers and representatives of this Municipality have deemed necessary or appropriate, to enable this Municipality to evaluate the benefits and risks of the Long Term Power Purchase(s) to take actions contemplated by the ordinance hereinafter set forth and the form Non-Pool Power Sales Schedule, and to determine the same are in the public interest; and

WHEREAS, in recognition of the unique nature of the Long Term Power Purchase(s), competitive bidding is not required on the Municipality's purchase of power and energy, through one or more Non-Pool Power Sales Schedule(s), however, any competitive bidding requirement that might otherwise be applicable for the purchase of any power and energy through the execution of one or more Non-Pool Power Sales Schedule(s) authorized by this ordinance, should be waived; and

WHEREAS, it is understood by this Municipality that all payments made by this Municipality pursuant to the one or more Non-Pool Power Sales Schedule(s) shall constitute an operation and maintenance obligation ("O&M Expense") of this Municipality's electric utility system, payable from the revenues thereof as specified in the one or more Non-Pool Power Sales Schedule(s) and the Municipality agrees, as specified in each Non-Pool Power Sales Schedule, to fix, charge and collect rates sufficient to pay its obligations thereunder along with all other legally required payments of the Municipality's electric utility system; and.

WHEREAS, due to extreme volatility in the electric power markets, an emergency exists in that the Municipality is required to act expeditiously to authorize AMP-Ohio to secure the most favorable pricing and it is necessary to immediately enact this ordinance for the preservation of the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, OHIO.

SECTION 1. That the Non-Pool Power Sales Schedule between this Municipality and AMP-Ohio, substantially in the form attached hereto as Exhibit 1, including Appendices thereto is approved, subject to and with any and all changes provided herein and therein.

SECTION 2. That the Mayor, or his designated representative, is hereby authorized to execute one or more Non-Pool Power Sales Schedule(s) and acquire the Municipality's power and energy from one or more Long Term Power Purchase(s), each with a term ending no later than December 31, 2017, and each with a third party contract price (excluding any taxes, transmission costs, replacement power, financing costs, purchased power security costs, or AMP-Ohio service fees) not to exceed \$0.05400 per kWh for a 7x24 purchase \$0.06900 per kWh for a 5x16 purchase without bid, from AMP-Ohio, and to execute and deliver any and all documents necessary to participate in one or more Long Term Power Purchase(s) pursuant to the conditions set forth hereinafter for term(s) ending no later than December 31, 2017, as set forth in one or more Non-Pool Power Sales Schedule(s).

SECTION 3. That it is further acknowledged and understood that because AMP-Ohio will finalize the precise amount of power and energy for the Municipality and the other AMP-Ohio member Municipalities electing to enter into, such power schedules, at the time of each Long Term Power Purchase the Mayor, or his designated representative, in connection with the execution and delivery of any Non-Pool Power Sales Schedule, as hereinafter authorized, is authorized and directed to determine Municipality's amount of power and energy from all Non-Pool Power Sales Schedules authorized hereunder for the respective not to exceed amounts set forth below for the respective calendar years:

7x24 Purchases

Calendar Year 2008 through Calendar Year 2010, up to 10,000 kilowatts

Calendar Year 2011 through Calendar Year 2012, up to 3,000 kilowatts

Calendar Year 2013 through Calendar Year 2017, up to 2,000 kilowatts

5x16 Purchases

Calendar Year 2008 through Calendar Year 2009, up to 5,000 kilowatts

Calendar Year 2010 through Calendar Year 2011, up to 2,000 kilowatts

SECTION 4. All payments made by this Municipality pursuant to any Non-Pool Power Sales Schedule authorized by this ordinance shall constitute an operation and maintenance obligation ("O&M Expense") of this Municipality's electric utility system, payable from the revenues thereof as specified in any Non-Pool Power Sales Schedule(s) and the Municipality agrees to fix, charge and collect rates sufficient to pay its obligations thereunder along with all other legally required payments of the Municipality's electric utility system.

SECTION 5. That competitive bidding is not required on the Municipality's acquisition of its right to secure a Share of Purchased Energy in any Non-Pool Power Sales Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 6. 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 the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 7. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally 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 thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 8.

That this ordinance shall take effect immediately upon its passage.

Date: 7-9-07


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

Approved:

Date: 7-12-07

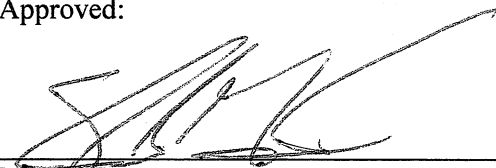

MAYOR

EXHIBIT "1"

