

## **RESOLUTION NO. 10-07**

### **A RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE A PJM POWER POOL SCHEDULE WITH AMERICAN MUNICIPAL POWER OHIO, INC. (AMP-OHIO), AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Orrville, 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 American Municipal Power-Ohio, Inc. (hereinafter “AMO-Ohio”), an Ohio corporation not for profit, 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 coordination of transmission and electric power and energy for ultimate delivery to its customers; and

WHEREAS, Municipality has executed, or will execute, 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, Municipality is located in the PJM transmission system territory and is subject to the PJM transmission system regulations and costs; and

WHEREAS, other Municipalities who are also members of AMP-Ohio and who are also located in the PJM transmission system territory and subject to PJM transmission system regulations and costs intend to enter into a pooling agreement with each other and AMP-Ohio to coordinate their respective transmission needs; and

WHEREAS, Municipality desires to contract with AMP-Ohio and other AMP-Ohio PJM Pool member municipalities to pool, arrange and share electric power and energy operations within the PJM transmission system; and

WHEREAS, from time to time, it may be necessary or economical for AMP-Ohio to purchase non-pool power and associated energy on behalf of the Municipality with a term of one year or less (herein “Short Term Power”) to meet any shortfall in the power and energy needs of the Municipality; and

WHEREAS, the Municipality may authorize AMP-Ohio to purchase non-pool Short Term Power pursuant to the authorization and approval procedure set forth in the PJM Power Pool Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ORRVILLE, OHIO:

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

SECTION 2. That the Director of Public Utilities is hereby authorized and directed to execute and deliver on behalf of this Municipality the PJM Power Pool Schedule, substantially in the form attached hereto as “Exhibit 1.”

SECTION 3. That the Municipality authorizes AMP-Ohio to purchase on the Municipality’s behalf, in accordance with the procedures set forth in the PJM Power Pool Schedule, non-pool power and associated energy for a term of one year or less (herein “Short Term Power”) to meet

any shortfall in the power and energy needs of the Municipality. Municipality agrees to reimburse AMP-Ohio for all costs incurred by AMP-Ohio in purchasing such non-pool Short Term Power plus any other service fees associated with the purchase of non-pool Short Term Power set forth in the Master Services Agreement.

SECTION 4. That the Director of Public Utilities is hereby designated as Municipality's authorized personnel to approve and authorize AMP-Ohio's acquisition of non-pool Short Term Power on behalf of Municipality in accordance with the approval procedures set forth in PJM Power Pool Schedule and to execute any necessary schedules with AMP-Ohio related to the purchase of non-pool Short Term Power.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements.

SECTION 6. If any section, subsection, paragraph, clause or provision of any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of the Resolution 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 7. That this Resolution is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Orrville, Ohio, and for the further reason that it is necessary to establish the most efficient plan possible to provide power to the City, therefore, this Resolution shall be in effect from and immediately after its passage and approval by the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Approved:

\_\_\_\_\_  
Mayor

Date \_\_\_\_\_