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3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. 71 - 2022

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC
8 SERVICE TO EXECUTE THE 2022 SOLAR ENERGY SCHEDULE
9 WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING OF
10 OTHER ACTIONS IN CONNECTION WITH SOLAR GENERATED
11 ENERGY PURCHASES, AND DECLARING AN EMERGENCY.

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13 WHEREAS, the City owns and operates an electric utility system for the sale of electric
14 capacity and associated energy for the benefit of its citizens and taxpayers; and

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

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21 WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or
22 to provide otherwise, for the generation, transmission or distribution of electric capacity and
23 energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit
24 basis, for the mutual benefit of AMP members (Members), such Members, including the City,
25 being political subdivisions that operate municipal electric utility systems; and

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

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32 WHEREAS, it is efficient and economical to act jointly in such regard; and

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34 WHEREAS, the City has previously entered into a Master Services Agreement with AMP, AMP
35 Contract No. C-11-2005-4420, which contemplates that the City shall enter into various
36 schedules for the provision of capacity and associated energy and related services from AMP to
37 the City; and

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39 WHEREAS, certain Members, including the City have determined that they can utilize
40 additional sources of reliable and economical solar generated electric capacity and energy on a
41 long-term basis at reasonable costs, and have requested that AMP arrange for the same by
42 developing, purchasing or otherwise acquiring interests in certain solar energy facilities; and

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44 WHEREAS, in furtherance of this purpose, AMP will enter into one or more agreements with
45 a reputable solar power developer ("Developer") (the "2022 Solar Purchased Power Agreement" or
46 "2022 Solar PPA") under the terms of which AMP is to purchase and Developer is to supply and
47 sell up to approximately 150 MWac of capacity and associated energy from solar generation
48 project(s) located within the PJM Footprint for a period of fifteen (15) years; and

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50 WHEREAS, it is necessary and desirable for the City to enter into the 2022 Solar Energy
51 Schedule to the City's Master Services Agreement with AMP to provide for an additional source
52 of capacity and energy; and

53 WHEREAS, Members now have the right, but not the obligation by the enactment of this
54 ordinance to authorize and request AMP to acquire capacity and energy from one or more solar
55 project(s) by approval and execution of the 2022 Solar Energy Schedule authorized below; and
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57 WHEREAS, prior to the execution of the 2022 Solar Energy Schedule authorized through the
58 adoption of this ordinance AMP will have (i) informed the City of the terms of the 2022 Solar
59 Energy Schedule; (ii) provided the City the opportunity to review the 2022 Solar PPA terms and
60 conditions (subject to price); and (iii) offered representatives of the City the opportunity to ask
61 such questions, review data and reports, conduct inspections and otherwise perform such
62 investigations with respect to, as applicable, the acquisition of capacity and energy and the terms
63 and conditions of the 2022 Solar Energy Schedule authorized below as the City deems necessary
64 or appropriate in connection herewith; and
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66 WHEREAS, after due consideration, the City has determined it is reasonable and in its best
67 interests to proceed as authorized herein below and requests and authorizes AMP to acquire
68 capacity and energy from the Project(s) upon those terms and conditions set forth in the 2022
69 Solar Energy Schedule.
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71 NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Cuyahoga Falls,
72 County of Summit, State of Ohio:
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74 Section 1. The 2022 Solar Energy Schedule between City and AMP, substantially in the form
75 on file with the Clerk, including Exhibits thereto, are approved, and the Director of Public Service
76 is hereby authorized to execute and deliver the 2022 Solar Energy Schedule with such changes
77 as the Director of Public Service or Director of Law may approve as neither inconsistent with this
78 ordinance nor materially detrimental to the City, his or her execution of the 2022 Solar Energy
79 Schedule to be conclusive evidence of such approval.
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81 Section 2. The Director of Public Service is authorized to (i) acquire under the 2022 Solar
82 Energy Schedule, authorized above, a Contract Amount as defined in that Schedule of up to
83 10100 kW with a price of up to \$45.00/MWh(ac) for energy, capacity and environmental
84 attributes made available thereunder without bid, and (ii) make any determinations and
85 approvals required thereunder, if any, as the Director of Public Service shall deem necessary and
86 advisable.
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88 Section 3. Any other ordinances or resolutions or portions of ordinances and resolutions
89 inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions
90 not inconsistent herewith and which have not previously been repealed are hereby ratified and
91 confirmed.
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93 Section 4. It is found and determined that all formal actions of this Council concerning and
94 relating to the adoption of this ordinance were adopted in an open meeting of this Council, and
95 that all deliberations of this Council and of any of its committees that resulted in such formal
96 action, were in meetings open to the public, in compliance with all legal requirements, to the
97 extent applicable, including Chapter 107 of the Codified Ordinances.
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99 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
100 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga
101 Falls and the inhabitants thereof and provided it receives the affirmative vote of two thirds of the
102 members elected or appointed to Council, it shall take effect and be in force immediately upon
103 its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
104 period allowed by law.

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Passed: 7-25-2022




President of Council



Clerk of Council

Approved: 7-25-2022



Mayor

6/27/22