

PASSED: May 12, 2014  
BY: Doering

RESOLUTION NO. 2014-17

RESOLUTION AUTHORIZING THE VILLAGE MANAGER  
TO ENTER INTO A CONTRACT WITH SUPPLIER OF ELECTRICITY TO  
RESIDENTS UNDER AGGREGATION PROGRAM

**WHEREAS**, due to the deregulation of energy in Ohio, the Village has the opportunity to seek a cheaper electricity supply for its residents as an alternative to the customary rates charged by Duke;

**WHEREAS**, in November 2011 Village residents voted to approve an opt-out energy aggregation program for electricity services in order to lower energy costs to residents;

**WHEREAS**, recent volatility in electric rates have made it difficult for the Village to reach an agreement with a specific supplier of electricity, partly due to the relatively long period of time necessary to send the contract out to bid, have the Solicitor review and approve the contract, have Council meet in formal session to review and approve the contract, then submit the contract back to the supplier for final approval;

**WHEREAS**, Council determines it is in the best interest of the Village and its residents to provide the Village Manager with authority to negotiate and enter into contract on behalf of the Village with an electricity supplier under terms substantially similar to those already approved by Council for a contract with Perigee Energy, LLC, that was not executed;

**NOW, THEREFORE, BE IT RESOLVED BY THE** Council of Amberley Village, State of Ohio, seven (7) members elected thereto concurring:

**SECTION 1:** That the Village Manager be, and hereby is, authorized and directed to enter into a contract on behalf of the Village with an exclusive supplier of electricity to Village residents under the electric aggregation program under the terms and conditions as follows:

1. The terms of the contract must be substantially similar, as determined by the Solicitor, to the draft Master Service Agreement with Perigee Energy, LLC approved by Council on May 1, 2014, subject to the following conditions:

2. The electricity rate must be a fixed rate of less than the Duke Energy price-to compare.

3. Upon receipt of an offer, the Manager shall notify Council.

4. The supplier of electricity must be certified by the Ohio Public Utilities Commission as a Competitive Retail Electric Service ("CRES") supplier to sell

competitive retail electric service to customers in the State of Ohio utilizing existing transmission and distribution systems.

5. It is not necessary to send the contract, rate, or proposal out to bid as long as the agreed rate is substantially similar to the market rate for electricity at the time the contract is executed.

**SECTION 2:** This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed this 12<sup>th</sup> day of May, 2014.

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Mayor Thomas C. Muething

Attest:

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Nicole Browder, Clerk of Council

Resolution Vote:

Moved: Doering Second: Conway

I, Clerk of Council of Amberley Village, Ohio, certify that on the \_\_\_\_ day of May 2014, the forgoing Resolution was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Resolution at all of the places of public notice as designated by Sec. 31.40(B), Code of Ordinances.

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Nicole Browder, Clerk of Council