

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 01 – 18 – 08

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER

WHEREAS, the City of Clayton is one of 11 municipalities currently participating in the Miami Valley Communications Council (“MVCC”) electric generation supply agreement with DPL Energy Resources, Inc. (“DPLR”) for the provision of electric generation and transmission supply services through December 31, 2019 (collectively referred to as the “Participating Municipalities”); and

WHEREAS, in accordance with the Public Utilities Commission of Ohio rules and regulations, the Participating Municipalities have the opportunity to maximize savings on the generation and transmission portion of their electric service costs through the selection of a competitive retail electric service provider; and

WHEREAS, the Participating Municipalities desire to seek competitive pricing for a new electric generation and transmission supply service agreement (“Agreement”) for municipal accounts; and

WHEREAS, the Participating Municipalities desire to authorize MVCC and its Executive Director to act as procuring agents, along with any consultant utilized by MVCC (collectively, the “Procuring Agents”) to seek competitive pricing for electric generation and transmission supply services; and

WHEREAS, the Participating Municipalities desire to authorize their respective City Managers to enter into an amendment to the Agreement in substantially the same form as **Exhibit A** appended hereto with the lowest and best competitive supplier after the Procuring Agents have identified and recommended such supplier and said supplier being Interstate Gas Supply, Inc.; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government.

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


1. The City Manager is hereby authorized to execute an amendment to the Agreement in substantially the same form as **Exhibit A** appended hereto and any other necessary documents on behalf of the City for electric generation and transmission supply services with a competitive retail electric service provider as described herein with the supplier of

said services being Interstate Gas Supply, Inc. and approving the terms of same as delineated in the attached **Exhibit A**, including approval of the per KWh price specified in the attached **Exhibit A** and extending the term of said Agreement as specified in the attached **Exhibit A**.

2. It is hereby found and determined that all formal actions of this City Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.
3. That this Resolution shall be in full force and effect at the earliest date allowed by law.

ADOPTED BY COUNCIL ON JANUARY 4, 2018.

AUTHENTICATION:




Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Englewood Independent January 11, 2018



CLERK

CLERK

GENERATION SUPPLY AGREEMENT

AMENDMENT NO. 4

Customer: City of Clayton
Supplier: Interstate Gas Supply, Inc.
Effective Date: December 13, 2017

Definitions

"Agreement" means the Generation Supply Agreement dated March 1, 2011 between Customer and DPL Energy Resources, Inc. as modified by Amendment No. 1 to the Generation Supply Agreement dated September 19, 2012, Amendment No. 2 to the Generation Supply Agreement dated September 27, 2013, and Amendment No. 3: Amendment, Assignment, and Consent to Assignment to the Generation Supply Agreement dated September 1, 2016.

Background

Customer and Supplier desire to amend the Agreement as of the Effective Date above.

Agreement

In consideration of the mutual promises below Customer and Supplier agree to the following:

1. **Term:** Section 3 of the Agreement will be amended as follows:

Service will continue from Customer's meter reading date in February 2018 through the Customer's meter reading date in May 2021 (the "Renewal Term").

2. **Price:** The price for the Renewal Term will be \$0.04699 per kWh.

3. **Contract Volumes:** The Contract Volumes on Appendix 2 will be amended as follows:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
56,239	49,746	50,668	45,660	56,255	70,539	80,324	77,157	58,620	47,727	48,533	53,839

For the avoidance of doubt, in the event of any conflict whatsoever between this Amendment (including its Appendix) and the Agreement, then this Amendment will control.

Except as set forth above, nothing else has changed with respect to the Agreement, and all of its provisions remain in full force.

Each individual signing this Amendment on behalf of a Party below represents that he or she has the full authority and power to sign this Amendment on behalf of that Party.

City of Clayton:

Interstate Gas Supply, Inc.:



Name:
Title:

Name: Pat Keeley
Title: Director, C&I Sales