

PASSED: June 11, 2018
BY: Warren

ORDINANCE NO. 2018-9

AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A SECOND AMENDMENT TO THE MASTER AGREEMENT IN ORDER TO ENTER INTO A CONTRACT WITH A NATURAL GAS AGGREGATOR FOR A SPECIFIC TIME PERIOD; AND TO DECLARE AN EMERGENCY

WHEREAS, the General Assembly has enacted natural gas deregulation legislation which authorizes the legislative authorities of municipal corporations, Villages and counties to aggregate automatically, pursuant to Section 4929.26 of the Ohio Revised Code, subject to opt-out provisions, the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas;

WHEREAS, the Village Council approved Ordinance 2011-08 Authorizing All Actions Necessary to Effect a Governmental Natural Gas Program with Opt-Out Provisions Pursuant to Section 4929.26, Ohio Revised Code, Directing the Hamilton County Board of Elections to Submit a Ballot Question to the Electors;

WHEREAS, the voters of Amberley Village approved the ballot initiative for a natural gas aggregation in the November 8, 2011 general election;

WHEREAS, Amberley Village is authorized to contract with a natural gas aggregator to supply applicable residents and small businesses and has performed its due diligence through negotiations by Eagle Energy, LLC, its energy consultant, with natural gas suppliers submitting proposals for supplying natural gas to Amberley Village residents and businesses;

WHEREAS, based on a recommendation by Eagle Energy, the Village entered into a Master Services Agreement (MSA) with IGS Energy to provide natural gas service to Amberley Village residents and businesses for a period of two years, and whereas the Village entered into a First Amendment to the MSA on August 11, 2016 to extend the contract for an additional two years;

WHEREAS, based on a review of the market and availability of potential suppliers, Eagle Energy identified IGS Energy as the best supplier for gas to the Village for an additional two years;

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

SECTION 1: The Village Manager is hereby authorized and directed to take all actions necessary to renew the Village's existing contract with IGS Energy for the supply of natural gas to the Village via a Second Amendment to the August 15, 2014 Master Service Agreement for a period of two years, as long as the delivery price does not materially exceed a price to be determined by the NYMEX price for gas multiplied by the applicable Duke BTU conversion rate for that month plus \$0.087 per ccf.

SECTION 2: The terms of the existing Master Service Agreement dated August 15, 2014 shall remain in force.

SECTION 3: This Ordinance is necessary for the immediate preservation of the public peace, health, safety, or welfare and must be effective immediately so that the Village can enter into a contract with IGS Energy as soon as possible so that it can secure the rate set forth in Section 1, due to the variability in the natural gas market, and the Village can proceed with the aggregation program approved by the residents.

Passed this 11th day of June 2018.

Mayor Thomas C. Muething

Attest:

Nicole Browder, Clerk of Council

Ordinance Vote:

Moved: Warren Seconded: Hattenbach

Muething	Aye
Wolf	Aye
Bardach	Aye
Conway	Aye
Hattenbach	Aye
Kamine	Aye
Warren	Aye

I, Clerk of Council of Amberley Village, Ohio, certify that on the ____ day of June 2018, the forgoing Ordinance was published pursuant to Article IX of the Home Rule Charter by posting true copies of said Ordinance at all of the places of public notice as designed by Sec. 31.40(B), Code of Ordinances.

Nicole Browder, Clerk of Council