

VILLAGE COUNCIL OF WAKEMAN, OHIO  
ORDINANCE NO.: 2020-O-10

AN ORDINANCE AUTHORIZING AND DIRECTING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT AMENDING THE MASTER AGREEMENT TO PROVIDE ELECTRIC GENERATION SUPPLY AND RELATED SERVICES BY AND BETWEEN WAKEMAN VILLAGE AND DYNEGY ENERGY SERVICES, LLC AND DECLARING AN EMERGENCY

WHEREAS, Section 4928.20(A) of the Ohio Revised Code permits the legislative authority of a municipal corporation to adopt an ordinance to aggregate the retail electrical loads located within the municipal corporation and may enter into a service agreement to facilitate for those loads the sale and purchase of electricity; and

WHEREAS, pursuant to R.C. 4928.20(B), the question of the authority to aggregate was submitted to the electors of the Village of Wakeman, Ohio at the election held in May 2010, whereby the authority to aggregate was approved by a majority of electors under which the municipal corporation will act as a purchasing agent to make available electric power at reduced rates to residents on an "opt-out" basis; and

WHEREAS, upon receipt of the requisite authority by the approval of the majority of electors, the legislative authority developed the Village of Wakeman, Electric Aggregation Plan of Operation and Governance dated July 12, 2010 as required by R.C. 4928.20(C); and

WHEREAS, the legislative authority of the Village of Wakeman, Ohio adopted Ordinance No. 2010-O-13 on July 23, 2010, whereby the Mayor and Fiscal Officer were authorized to enter into an agreement with FirstEnergy Solutions (FES) to provide aggregated services until July 2019; and

WHEREAS, on August 29, 2010, the Village of Wakeman was certified as a governmental aggregator under Certificate #10-263E(1); and

WHEREAS, on August 29, 2016, the Village of Wakeman was certified as a governmental aggregator under Certificate #10-263E(4); and

WHEREAS, the legislative authority entered into a Master Agreement to provide electric generation supply with Dynegy Energy Services, LLC (DESE) upon the expiration of its agreement with FirstEnergy Solutions (FES) authorized in Ordinance No.: 2017-O-13; and

WHEREAS, the legislative authority now wishes to amend the Master Agreement dated May 8, 2017 to: (i) extend the Term, and (ii) agree on the rate that the Customers will pay for electric generation services provided by DESE under the Electric Aggregation Program.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO:

SECTION 1. The Village Administrator is hereby authorized and directed to enter into an Agreement amending the Master Agreement to provide electric generation supply and related services by and between the Village of Wakeman, Ohio and Dynegy Services, LLC. (DESE) attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. DISPENSE WITH THREE READINGS. That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days. [R.C. 731.17(A)(2)]

SECTION 3. DECLARATION OF EMERGENCY. That by two-thirds vote of all the members elected to the legislative authority, this Ordinance is hereby declared to be an emergency measure pursuant to RC 731.30, being necessary for the immediate preservation of the public peace, health, or safety of the municipal corporation and shall go into immediate effect for the following reason(s): *The parties would like the amendment to the Master Agreement to be effective as of July 13, 2020.*

SECTION 4. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED on this 13 day of July, 2020.

AUTHENTICATION and ATTESTATION  
(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

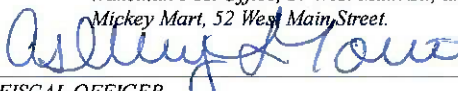
YEAS: 6 NAYS: 0 ABSTAIN: 0

First Reading: dispensed  
Second Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))  
Third Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

CERTIFICATE OF POSTING  
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and 2) Electronically online at official Village website.; and 3) Wakeman Post Office, 17 West Main St.; and 4) Village of Wakeman Municipal Building, 59 Hyde Street; and 5) Mickey Mart, 52 West Main Street.

  
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FISCAL OFFICER