**ORDINANCE 53-23-O**

**AN ORDINANCE APPROVING THE PARTICIPATION IN THE ECOSMART CHOICE PROGRAM AND PROVIDING FOR CORRESPONDING ELECTRIC SYSTEM RATES AND REQUIREMENTS**.

WHEREAS, the City of Celina, Ohio, (“Municipality”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, American Municipal Power, Inc. (“AMP”) is an Ohio nonprofit corporation that functions as a wholesale power supplier and services provider for certain member municipalities, including Municipalities that operate electric systems (“Members”); and

WHEREAS, AMP has developed a green energy program named EcoSmart Choice® (“EcoSmart Choice Program”) that provides for the purchase of green / renewable energy electricity products, including the green attributes (i.e. Renewable Energy Credits) from energy generated from wind, hydroelectric, solar, biomass, geothermal, landfill gas, and other approved generating facilities, to certain consumers within Member communities, including the City of Celina (“Celina”); and

WHEREAS, Celina desires to participate, and AMP desires for Members to participate, in the EcoSmart Choice Program, on terms and conditions as generally set forth in a participating member agreement between AMP and Municipality (“Participating Member Agreement”), on file with the Clerk; and

WHEREAS, this measure will contribute to the policy goal of sustainability by promoting the use and development of green/renewable power.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Celina, County of Mercer, State of Ohio.

SECTION ONE

THAT, the Safety Service Director is hereby authorized to enter into a Participating Member Agreement between AMP and the City of Celina to enable it to participate in the EcoSmart Choice Program, substantially in the form of the Participating Member Agreement attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION TWO

THAT, the Safety Service Director is hereby authorized to provide for rates and requirements applicable to Municipality’s electric utility system for purposes of effectuating the EcoSmart Choice Program, as the Safety Service Director shall deem necessary and advisable, in conformance with the pricing and payment provisions of Section 1 and Section 4 of the Participating Member Agreement.

SECTION THREE

THAT, it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR

 THAT, if any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION FIVE

NOW, therefore, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor at the earliest period allowed by law.

PASSED this day of , 2023

Jason D. King, President of Council

ATTEST:

Michael F. DiDonato, Clerk of Council

APPROVED , 2023

Jeffrey S. Hazel, Mayor

APPROVED AS TO FORM:

George Erik Moore, Esq. City Law Director