

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

RESOLUTION NO. 13-R-19

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO
AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A
COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER, AND
APPOINTING PROCURING AGENTS FOR BIDS.**

WHEREAS, the City is one of 25 municipalities currently participating in the Miami Valley Communications Council ("MVCC") electric generation supply agreement with DPL Energy Resources, Inc. ("DPLER") for the provision of electric generation and transmission supply services through December 31, 2013 (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 City desires to seek competitive pricing for a new electric generation and transmission supply service agreement ("Agreement"); and

WHEREAS, the City desires 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, time is of the essence in securing the best possible electric generation and transmission supply rates and the Participating Municipalities will need to be able to sign a new Agreement promptly upon identifying the lowest and best competitive supplier due to market pricing requirements and deadlines; and

WHEREAS, the City Council desires to authorize the City Manager to enter into a new Agreement with the lowest and best competitive supplier immediately after the Procuring Agents have identified and recommended such supplier, provided the City Manager believes the Agreement to be in the best interest of the City; and

WHEREAS, the City is authorized as a charter municipality to exercise all powers of local self-government and to waive its normal competitive bidding process and authorize the Procuring Agent process described herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VANDALIA,
MONTGOMERY COUNTY, OHIO THAT:**

Section 1. Miami Valley Communications Council (“MVCC”) and its Executive Director, along with any consultant utilized by MVCC, are hereby authorized to act as Procuring Agents to identify a competitive retail electric service provider for electric generation and transmission supply services. However, nothing in this Ordinance shall authorize such Procuring Agents to contractually bind the City to accept or enter into an Agreement with any such service provider, or to otherwise bind the City. Council waives the formal bidding process pursuant to Vandalia Code Section 208.02(e).

Section 2. The City Manager is hereby authorized to execute an Agreement and any other necessary documents on behalf of the City for electric generation and transmission supply services with a competitive retail electric service provider consistent with the other Participating Municipalities.

Section 3. 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.

Section 4. This Resolution shall take effect immediately upon its adoption by Council.

This resolution shall become effective immediately upon its passage.

Passed this 18 day of March, 2013.

APPROVED:

Arlene J. Setzer, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council