

**CITY OF WILLIAMSTOWN, KENTUCKY**

**ORDINANCE 2016-21**

**TO APPROVE THE FORM AND  
AUTHORIZE THE EXECUTION OF  
BROWN COUNTY LANDFILL ENERGY SCHEDULE  
WITH  
AMERICAN MUNICIPAL POWER, INC.**

WHEREAS, the City of Williamstown, Kentucky, ("Municipality") owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers;

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services from, or arranged by, American Municipal Power, Inc. ("AMP"), of which Municipality is a member;

WHEREAS, Municipality, acting individually and through AMP with other political subdivisions of this and other states that own and operate electric utility systems, jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers;

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality;

WHEREAS, AMP and Bio Energy (Ohio III), LLC ("EDI"), have entered into an agreement (the "EDI Landfill Energy Agreement") under the terms of which AMP is to purchase and EDI is to supply and sell up to 4 MW of capacity and associated energy from landfill energy systems at Landfill Facilities in Georgetown, Ohio, for a period of fifteen (15) years;

WHEREAS, it is necessary and desirable for Municipality to enter into the Brown County Landfill Energy Schedule to Municipality's Master Services Agreement with AMP to provide for an additional source of capacity and energy;

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the EDI Landfill Energy Agreement to the Municipality, as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of the EDI Landfill Energy Agreement, to take actions contemplated by the resolution hereinafter set forth and to determine that the same are in the public interest; and

WHEREAS, after due consideration, the Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire capacity and energy from EDI upon those terms and conditions set forth in the EDI Landfill Energy Agreement.

NOW, THEREFORE, BE IT ORDAINED/RESOLVED BY THE COUNCIL OF THE CITY OF WILLIAMSTOWN, KENTUCKY:

SECTION 1. That the Brown County Landfill Energy Schedule between Municipality and AMP, substantially in the form attached hereto is approved, and the Mayor of Municipality is hereby authorized to execute and deliver the Brown County Landfill Energy Schedule with such changes as the Council may approve as neither inconsistent with this Ordinance/Resolution nor materially detrimental to the Municipality, his or her execution of the Brown County Landfill Energy Schedule to be conclusive evidence of such approval.

SECTION 2. That the Mayor is hereby authorized to (i) acquire under the Brown County Landfill Energy Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 2,000 kW without bid, and (ii) make any determinations and approvals required thereunder, if any, as the Mayor shall deem necessary and advisable.

SECTION 3. If any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance/Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance/Resolution shall be unaffected by such adjudication and all the remaining provisions of this Ordinance/Resolution 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 4. That this Ordinance/Resolution shall take effect at the earliest date allowed by law.

SECTION 5. That any competitive bidding requirement that the may be associated with this purchase is hereby waived.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance/Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

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Rick Skinner, Mayor  
City of Williamstown, Kentucky

ATTEST:

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Vivian Link, City Clerk/Treasurer

2016-21

1st Reading	<u>06/06/16</u>
2nd Reading	<u>06/21/16</u>
Published	<u>06/30/16</u>