

**CITY OF STRUTHERS**  
**Ordinance**

NO. 21-011

**AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF STRUTHERS TO ENTER INTO A CONTRACT WITH DYNEGY ENERGY SERVICES, LLC AS THE ELECTRIC SUPPLIER FOR THE SMALL COMMERCIAL MEMBERS OF THE CITY OF STRUTHERS'S ELECTRIC AGGREGATION PROGRAM, WITHOUT THE NECESSITY OF PUBLIC BIDS AND DECLARING AN EMERGENCY.**

**WHEREAS**, it is in the interest of sound public policy for the City of Struthers to contract with a supplier of electricity for small commercial members of the City of Struthers Aggregation Program; and

**WHEREAS**, the City of Struthers is not purchasing a service, product or commodity pursuant to this contract, and therefore may enter into this contract without public bidding; and

**WHEREAS**, a real and present emergency exists, which requires the immediate establishment of such a contract for the small commercial members to realize the maximum amount of savings; and such emergency is of a nature that the contract may be entered into without the necessity of bidding, if it is determined bidding would have otherwise been required by law; and

**WHEREAS**, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Struthers, and for the daily operation of a municipal department.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Struthers, Ohio 3/4's of all members elected thereto concurring:

**SECTION 1:** That the Mayor of the City of Struthers is hereby authorized to make and enter into a three (3) year contract with Dynegy Energy Services, LLC, as the electric supplier for small commercial members of the City of Struthers's Electric Aggregation Program. The price offer for the electric generation commodity portion of a commercial member's bill will be not to exceed 4.44 cents/kWh. Upon entering into said contract, a notice will be sent by Dynegy Energy Services, LLC to all eligible electric aggregation members and potential members not under contract informing them of the electric rates, terms and conditions of the program.

**SECTION 2:** That approval of this contract is not subject to a public bidding requirement. A real and present emergency exists due to the need to act quickly to maximize member savings. This emergency is of such a nature that the contract may be entered into without the necessity of bidding, even if it is determined bidding would have otherwise been required by law.

**SECTION 3:** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4:** That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Struthers, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

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NO. 21-011

PASSED IN COUNCIL THIS 10<sup>th</sup> DAY OF March, 2021.

Megan R. Shorthouse  
CLERK OF COUNCIL

Michael S. Patrick  
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 10<sup>th</sup> DAY OF March, 2021.

Megan R. Shorthouse  
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 10<sup>th</sup> DAY OF March, 2021.

Catherine Cerone Miller  
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 03/18/2021-03/25/2021

Megan R. Shorthouse  
CLERK OF COUNCIL