

CITY OF STRUTHERS

Ordinance

NO. 21-067

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF STRUTHERS TO ENTER INTO A CONTRACT WITH CONSTELLATION NEWENERGY – GAS DIVISION, LLC AS THE NATURAL GAS SUPPLIER FOR THE RESIDENTIAL AND SMALL COMMERCIAL MEMBERS OF THE CITY OF STRUTHERS'S NATURAL GAS 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 natural gas for residential and 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 Council for the City of Struthers, Ohio, $\frac{3}{4}$'s of all members elected thereto concurring, that:

SECTION 1: That the Mayor of the City of Struthers is hereby authorized to make and enter into a Price Request and if the Price Request is fulfilled enter in an agreement with Constellation NewEnergy – Gas Division, LLC, as the natural gas supplier for residential and small commercial members of the City of Struthers's Natural gas Aggregation Program. The Price Request is set at \$4.25/Mcf for February 1, 2022 to January 31, 2026 for the natural gas generation commodity portion of a commercial member's bill. If the contract is executed, a notice will be sent by Constellation NewEnergy – Gas Division, LLC to all of the natural gas aggregation small commercial members informing them of the natural gas 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 during the summer months. 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; other wise to be in full force and effect from and after the earliest period allowed by law.

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PASSED IN COUNCIL THIS 8th DAY OF December, 2021.

Megan R. Shorthouse
CLERK OF COUNCIL

Michael S. Patrick
PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 8th DAY OF December, 2021.

Megan R. Shorthouse
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 8th DAY OF December, 2021.

Catherine Cercone Miller
MAYOR

PUBLISHED IN THE HOMETOWN JOURNAL

DATE: 12/16/2021-12/23/2021

Megan R. Shorthouse
CLERK OF COUNCIL

Price Request

Pursuant to the terms of the Natural Gas Aggregation Agreement by and between the City of Struthers ("City") and Constellation NewEnergy-Gas Division, LLC ("Constellation") dated 12/8/2021 (the "Agreement"), the City hereby requests a price for the Aggregation Group as described below.

DELIVERY PERIOD: February 1, 2022 through January 31, 2026

PRICE REQUESTED: \$ 4.25 /Mcf

EXTENSION OF AGREEMENT: City understands and hereby agrees that should Constellation fulfill a price request for the above stated Delivery Period, if it extends beyond the current Term of the Agreement, then the Agreement shall be extended, at a minimum, to the latest meter read date included in such Delivery Period and the Parties shall execute an amendment to the Agreement to extend the term and update the price.

If new or increased charges are approved by a governmental agency with jurisdiction and passed through, the Price will increase accordingly. There are not recurring or nonrecurring supplier charges that are billed in addition to the Price. A switching fee may apply under the terms of the Utility's tariff. Seller shall not charge you separately for any switching fees. If (a) third party intermediary is involved in this transaction, (b) the broker fees are already included in the price above and included in the price offered to the aggregation customers.

The Price does not include Taxes (as defined below) or Utility distribution charges. Each aggregation customer is responsible for state and local sales, use, revenue, gross receipts, commercial activity, excise and/or ad valorem tax (collectively, "Taxes") and shall reimburse Constellation if Constellation is required to remit such Taxes in connection with the aggregation customer's purchase of natural gas.

Price Request Expiration

This request shall expire January 5, 2022, at 3 pm EST, unless confirmed by Constellation via email or cancelled by the County in writing prior to that date and time.

The County acknowledges that its submission of this request is not a commitment by Constellation to provide the requested price to the County governmental aggregation. If Constellation confirms to County via email that it can provide pricing that matches the Price Requested and Delivery Period parameters stated above, then County agrees that the terms of this Price Request will automatically and without further action become binding on County and the parties shall execute an amendment to the Agreement reflecting the updated term and pricing.

City of Struthers, Struthers, Ohio

By: [Signature]

Name: Catherine Miller

Title: Mayor