

ORDINANCE NO. 21-156

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A THIRD AMENDMENT TO THE ENDORSEMENT AGREEMENT WITH CONSTELLATION NEWENERGY - GAS DIVISION, LLC, FOR THE CITY'S NATURAL GAS AGGREGATION PROGRAM; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, the City Commission approved an agreement with Buckeye Energy Brokers, Inc., to provide services in offering consumers a choice to realize meaningful savings in the purchase of natural gas by Ordinance No. 06-071, passed on August 14, 2006, and subsequently has entered into agreements with various suppliers for services to continue the Opt-In Natural Gas Program; and

WHEREAS, the City Commission approved an Endorsement Agreement with Constellation Energy Services - Natural Gas, LLC, for the City's Natural Gas Aggregation Program for a period of twenty-four (24) months by Ordinance No. 15-118, passed on September 14, 2015, which expired with the final billing cycle in November of 2017; and

WHEREAS, the City Commission approved an Amendment to the Endorsement Agreement with Constellation Energy Services - Natural Gas, LLC, for the City's Natural Gas Aggregation Program for a period of twenty-four (24) months by Ordinance No. 17-190, passed on October 10, 2017, which expired with the final billing cycle in November of 2019; and

WHEREAS, the City Commission approved a Second Amendment to the Endorsement Agreement with Constellation Energy Services - Natural Gas, LLC, for the City's Natural Gas Aggregation Program for a period of twenty-four (24) months by Ordinance No. 19-140, passed on August 26, 2019, which expires with the final billing cycle in November of 2021; and

WHEREAS, Buckeye Energy Brokers, Inc. has recommended Constellation NewEnergy - Gas Division, LLC for the City's residential Natural Gas Aggregation Program for a period of thirty-six (36) months, and for the months of December 2021 through March 2022, the rate for natural gas will be determined by using the NYMEX (New York Mercantile Exchange) close on the 19th day of the month for the applicable gas flow month plus a fix adder and at this time is estimated at \$0.109 per Ccf and for the months of April 2022 through November 2024, the rate will be fixed at \$0.570per Ccf; and

WHEREAS, the City of Sandusky is authorized by Article 18, Section 3 of the Ohio Constitution to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in

PAGE 2 - ORDINANCE NO. 21-156

order to execute the agreement and allow for timely services related to the supply of natural gas to City residents; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission hereby approves the form of the Third Amendment to the Endorsement Agreement with Constellation NewEnergy - Gas Division, LLC, for a period of thirty-six (36) months commencing on December 1, 2021, for the City's Natural Gas Aggregation Program, a copy of which is attached and marked Exhibit "1", and the City Manager is authorized to execute the agreement on behalf of the City in substantially the same form together with such revisions or additions as are approved by the Law Director as being consistent with the objectives and requirements of this Ordinance and with carrying out the City's public purposes.

Section 2. This City Commission hereby authorizes the City Manager, Director of Law, Director of Finance, City Engineer and any other City officials as appropriate to provide such information and do such other things as are necessary for and incidental to carrying out the requirements of this Ordinance and the terms of the agreement.

Section 3. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in

PAGE 3 - ORDINANCE NO. 21-156

those formal actions were in meetings open to the public in compliance with the law.

Section 5. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: October 25, 2021