

**ORDINANCE NO. 11-2025**

**AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AMENDMENT TO THE EXISTING MASTER AGREEMENT FOR ELECTRIC GENERATION SUPPLY AND RELATED SERVICES, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of the Village of Fairfax, Ohio ("Council") established a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "Aggregation Program") for the residents, businesses, and other electric customers in the Village of Fairfax (the "Village") as permitted by law; and

**WHEREAS**, Council developed an Electric Aggregation Program Plan of Operation and Governance ("Plan of Operation") in accordance with the governmental aggregation provisions of Sections 4901 and 4928.20 of the Ohio Revised Code and the Rules for Formation and Operation of Electric Governmental Aggregations; and

**WHEREAS**, the Village has been approved as a Governmental Aggregator pursuant to such Plan of Operation; and

**WHEREAS**, through the Village's energy advisor Energy Alliances, the Village entered into a Master Agreement to Provide Electric Generation Supply and Related Services (the "Master Agreement") with Dynegy Energy Services (East), LLC d/b/a Dynegy Energy Services, LLC, ("DESE"), dated March 4, 2024; and

**WHEREAS**, the Master Agreement includes an agreement for the price per kilowatt-hour for the supply of electricity, which varies regularly on the electricity market; and

**WHEREAS**, the term of the Master Agreement is set to expire in September 2025; and

**WHEREAS**, after a competitive market process, Energy Alliances recommends that the Village extend and amend the Master Agreement with DESE at the most advantageous price that can be obtained at the appropriate time prior to expiration of the current term; and

**WHEREAS**, given the regularly changing price of electricity supply, it is imperative that the Village enter into an amendment to the Master Agreement with DESE promptly upon agreement in principle to an acceptable price; and

**WHEREAS**, Council determines that this Ordinance is in the best interest of the Village's residents and promotes the general welfare of said citizenry;

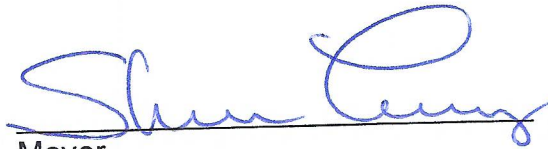
**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Fairfax, State of Ohio that:

**SECTION I:** The Village Administrator is hereby authorized to execute the Amendment to the Master Agreement ("Amendment") with DESE in the form attached hereto as Exhibit A, subject to: (A) her agreement to an acceptable price per kilowatt-hour at the appropriate time, as presented by Energy Alliances, to be reflected in the Amendment, and (B) any other changes of a non-material nature that she deems necessary and appropriate. To the extent necessary, the Village Administrator is authorized further to execute any other appropriate documents fixing the negotiated price per kilowatt-hour.

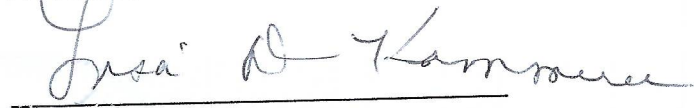
**SECTION II:** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with applicable law.

**SECTION III:** This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to secure a supply of electricity and fix an appropriate price for the same in order to facilitate the prompt and timely continuation of the Aggregation Program.

Passed this 19th day of May, 2025.

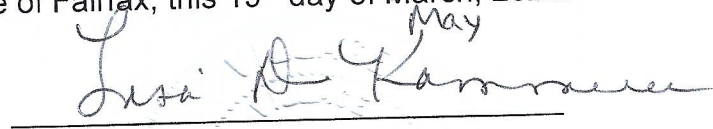
  
Mayor

ATTEST:

  
Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 11-2025 adopted at a meeting of the Council of the Village of Fairfax, this 19<sup>th</sup> day of ~~March~~ <sup>May</sup>, 2025.

  
Fiscal Officer