**ORDINANCE NO.3-2023**

**AUTHORIZING THE VILLAGE ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR RETAIL ELECTRICITY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER THROUGH THE CENTER FOR LOCAL GOVERNMENT ELECTRICITY CONSORTIUM AND DECLARING AN EMERGENCY**

**WHEREAS,** the Council (“Council”) of the Village of Fairfax, Ohio (“Village”) deems it necessary and appropriate to procure retail electricity services; and

**WHEREAS,** in accordance with the Public Utilities Commission of Ohio’s rules and regulations, the Village has the opportunity to maximize savings on the supply portion of its electric service costs through the selection of a competitive retail electric service provider; and

**WHEREAS,** the Village deems it appropriate to seek competitive pricing for a new retail electricity service agreement (“Agreement”) for its accounts; and

**WHEREAS,** the Village further deems it appropriate to authorize the Center for Local Government (“CLG”) and CLG’s broker AGE and their principals to act as procuring agents (the “Procuring Agents”) to seek competitive pricing for retail electricity services; and

**WHEREAS,** due to market pricing requirements and deadlines, time is of the essence to secure the best possible retail electricity rates, and the Village will, therefore, need to sign a new Agreement promptly upon identifying the lowest and best competitive supplier; and

**WHEREAS,** it is necessary to authorize the Village Administrator to enter into a new Agreement with the lowest and best competitive supplier promptly after the Procuring Agents identify and recommend such supplier; and

**WHEREAS,** the Village has statutory authority to enter into such an Agreement;

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

**SECTION I:** Incorporating the foregoing recitals, CLG and its broker AGE are hereby authorized to act as Procuring Agents to identify a competitive retail electric service provider for the Village’s retail electricity services. Nothing in this Ordinance shall authorize such Procuring Agents to bind the Village to accept or enter into an Agreement with any such service provider, or otherwise to bind the Village in any way.

**SECTION II:** The Village Administrator is hereby authorized to execute an Agreement and any other necessary documents on behalf of the Village for electric supply services with a competitive retail electric service provider.

**SECTION III:** The contracted electric supply rate shall not exceed a rate of $0.1092 per kWh, which is the current forecasted rate for Duke Energy’s price-to-compare beginning in June 2023.

**SECTION IV:** Council finds and determines that all formal actions relating to the adoption of this Ordinance were conducted in one or more open meetings of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including R.C. 121.22.

**SECTION V:** 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 take advantage of current market conditions and pricing for electric power, achieve cost savings, and participate in the foregoing program according to the deadlines informed by CLG.

Passed this 21st day of February, 2023.

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Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 3-2023 passed at a meeting of the Council of the Village of Fairfax on this 21st day of February, 2023.

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Fiscal Officer