

ORDINANCE NO. 15-47  
INTRODUCED BY: Mr. Vincent

First Reading June 1, 2015  
Second Reading June 15, 2015

**AN ORDINANCE**  
**AUTHORIZING THE CITY TO ENTER INTO THE NORTHEAST  
OHIO PUBLIC ENERGY COUNCIL (“NOPEC”) AND THE EXECUTION  
AND DELIVERY OF THE AGREEMENT ESTABLISHING NOPEC AND  
APPROVING THE BYLAWS OF NOPEC,  
AND DECLARING AN EMERGENCY**

**WHEREAS**, the Council of the City of Bay Village wishes to establish a natural gas aggregation program pursuant to Section 4929.26, Ohio Revised Code (the “Natural Gas Program”), for the residents, businesses and other consumers located within the City, and for that purpose, to act jointly with any other city, village, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

**WHEREAS**, by joining the Northeast Ohio Public Energy Council (“NOPEC”), the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefit of natural gas deregulation through group purchasing efforts.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** The Council of the City (the “Council”) finds and determines that it is in the best interest of the City, including the natural gas consumers located within the City, to join NOPEC and to adopt the NOPEC Bylaws, for the purpose of establishing and implementing the Natural Gas Program within the City.

**SECTION 2.** The Mayor and the Council are hereby authorized and directed to execute and deliver the Agreement Establishing the Northeast Ohio Public Energy Council, as amended (the “NOPEC Agreement”). The NOPEC Agreement shall be substantially in the form presented to this Board and on file with the Clerk, subject to such changes, insertions and omissions which are consistent with this Ordinance and are not substantially adverse to the City and as may be approved by the Mayor and the Council, which approval shall be conclusively evidenced by the execution of the NOPEC Agreement.

**SECTION 3.** The Council hereby approves and adopts the Bylaws of NOPEC (in the form attached to the NOPEC Agreement).

**SECTION 4.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City’s Charter and Codified Ordinances and Section 121.22 of the Ohio Revised Code. This Ordinance is declared to be an emergency measure necessary for the

immediate preservation of the public health, safety and welfare of the City, wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Council.

**SECTION 5.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Natural Gas Program provided by NOPEC, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: June 22, 2015

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

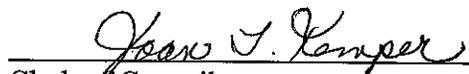
APPROVED: June 23, 2015

  
MAYOR

Approved as to legal form:

  
Director of Law

I, Joan Kemper, as Clerk of Council of the City of Bay Village, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance No. 15-47 adopted by the Council of said Municipality on the 22 day of June, 2015.

  
Clerk of Council