

Ordinance No. 386-2024 AS AMENDED

By Council Members Kazy and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Finance and/or Public Utilities to either exercise the first one-year option to renew under the Sustainable Ohio Public Energy Council (SOPEC) Contract entered into under Ordinance No. 631-2023; or to enter into an amendment to the SOPEC Contract to change the options to renew from two one-year options to renew to one two-year option to renew exercisable by the appropriate Director and to Utilities to renew the SOPEC Contract entered into under Ordinance No. 631-2023 for an additional fixed pricing for twelve or twenty-four months; and to further authorize exercising such option renewal.

WHEREAS, under the authority of Ordinance No. 631-2023, passed May 22, 2023, the Director of Finance entered into contract, also known as the Membership Agreement, with Sustainable Ohio Public Energy Council (the "SOPEC Contract") which allows residential and small commercial electric customers within the City to participate in the opt-out electric aggregation programs (the "SOPEC programs"); and

WHEREAS, Ordinance No. 631-2023 authorizes an initial term of one year with two one-year options to renew both exercisable by additional legislative authority; and

~~WHEREAS, it is the desire of the City to obtain best pricing for its certain electric customers under the SOPEC opt-out program and to do that, the City desires to exercise the first option to renew and to be authorized to exercise the second option without additional legislative authority, or alternatively, to amend the SOPEC contract to change the number and term of the options; and~~

~~WHEREAS, exercising the option or amending the options will allow the Department of Finance and/or Public Utilities, on behalf of the Office of Sustainability, to obtain the best pricing for its electric customers participating in the SOPEC opt-out program; and~~

~~WHEREAS, neither alternative will extend the original term authorized by Ordinance No. 631-2023; and~~

WHEREAS, it is the desire of the City to obtain best fixed pricing for its certain electric customers under the SOPEC opt-out program and to do that, the City desires to

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renew the SOPEC Contract for either twelve (12) or twenty-four (24) additional months;
and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Finance and/or Public Utilities is authorized to either: ~~(1) exercise the first one-year option to renew the SOPEC Contract entered into under Ordinance No. 631-2023 or (2) enter into an amendment to the SOPEC Contract to change the options to renew from two, one-year options to one two-year option to renew, exercisable by the appropriate Director; and is further authorized to exercise such option:~~

under Ordinance No. 631-2023 for fixed pricing for an additional twelve (12) months; or (2) renew the SOPEC Contract entered into under Ordinance No. 631-2023 for fixed pricing for an additional twenty-four (24) months; and is further authorized to exercise such renewal at the discretion of the appropriate Director.

Section 2. That, if the Director of Finance and/or Public Utilities elects alternate (1) in Section 1 above, then the appropriate Director may exercise the second option to renew for an additional twelve (12) months as authorized in Ordinance No. 631-2023 without the necessity of obtaining additional authority of Council.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GB:nl
3-25-2024
FOR: Directors Abonamah and Keane

Ord. No. 386-2924 AS AMENDED

**REPORT
after second Reading**

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and referred to
by the council

READ FIRST TIME **REPORTS**

CITY CLERK

by the council

READ SECOND TIME

CITY CLERK

by the council

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR