

**ORDINANCE NO. O2020-42**

**AN EMERGENCY ORDINANCE AUTHORIZING THE CITY TO ENTER INTO THE SOUTHEAST OHIO PUBLIC ENERGY COUNCIL ("SOPEC") AND THE EXECUTION AND DELIVERY OF THE AGREEMENT ESTABLISHING SOPEC AND APPROVING THE BYLAWS OF SOPEC, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Commission of the City of Gallipolis, Ohio (the "City") wishes to establish an electric aggregation program pursuant to Section 4928.20, of the Ohio Revised Code (the "Electric Program"), for the residents, businesses and other consumers located within the City, and for that purpose, to act jointly with any other village, city, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

**WHEREAS**, by joining the Southeast Ohio Public Energy Council ("SOPEC"), the City will be able to act jointly with other members of political subdivisions and thereby maximize the potential benefit of natural electric deregulation through group purchasing efforts.

**WHEREAS**, the City Manager has recommended in writing the passage of this Ordinance as an emergency measure as it is necessary for the immediate preservation of the public peace, health, safety, and property and in order to provide for the usual operations of the municipal departments.

**NOW, THEREFORE**, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GALLIPOLIS, COUNTY OF GALLIA, AND STATE OF OHIO, THAT:

**SECTION 1.** The Commission of the City (the "Commission") finds and determines that it is in the best interest of the City, including the electric consumers located within the City, to join SOPEC and to adopt the SOPEC Bylaws, for the purpose of establishing and implementing the Electric Program within the City.

**SECTION 2.** The Commission is hereby authorized and directed to execute and deliver the Agreement Establishing the Southeast Ohio Public Energy Council (the "SOPEC Agreement"). The SOPEC 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 Commission, which approval shall be conclusively evidenced by the execution of the SOPEC Agreement.

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

**SECTION 4.** It is found and determined that all formal actions of this Commission concerning and relating to the passage of this Ordinance were adopted in open meetings of this Commission, and that all deliberations of this Commission 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 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 Commission.

**SECTION 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Program provided by SOPEC.

DATED ADOPTED: October 27, 2020

*Cassie Powell*  
President of Commission

Submitted to the City Manager for their Approval on this 27<sup>th</sup> day of October, 2020

ATTEST:  
this 27 day of October, 2020

Approved by the City Manager  
October 28, 2020

*Annette M. Farnham*  
Clerk of Commission

*Theresa T. Kegan*  
City Manager, Gallipolis

The foregoing Ordinance is hereby approved as to form.

*Brynn*  
Gallipolis City Solicitor  
Brynn Saunders Noe