

**ORDINANCE NO. 2012-03-CD**

**AN ORDINANCE AUTHORIZING THE MUNICIPAL MANAGER OF THE VILLAGE OF GREENHILLS TO EXECUTE AN AMENDMENT TO THE SUPPLY AGREEMENT WITH INTERSTATE GAS SUPPLY, INC. - A PUCO CERTIFIED SUPPLIER AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Ohio Legislature has enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of villages to aggregate the retail natural gas loads located within their jurisdiction and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

**WHEREAS**, the Village of Greenhills has an existing agreement with Interstate Gas Supply, Inc. (IGS) to serve its Natural Gas Aggregation Program and following a competitive bid process, desires to amend the existing agreement with IGS;

**NOW, THEREFORE**, Be It Ordained by the Council of the Village of Greenhills, County of Hamilton, State of Ohio.

**SECTION 1.**

The Municipal Manager of The Village of Greenhills is hereby authorized to enter into as amendment to the existing Master Service Agreement for natural gas supply with IGS to facilitate the sale and purchase of natural gas to consumers in the Village's Opt-Out Program. Such amendment, when signed will be effective as of the date of this Ordinance.

**SECTION 2.**

That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3.**

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Ordinance is required to be immediately effective in order to begin realizing the savings sought by the Natural Gas Aggregation Program. This Ordinance shall be in full force and effect immediately upon its adoption and approval by the Municipal Manager.

Passed this 17th day of January, 2012.

Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

## OPTION 1

### FIRST AMENDMENT TO MASTER AGREEMENT

**Aggregator:** Village of Greenhills  
**Supplier:** Interstate Gas Supply, Inc.  
**Master Agreement:** Master Agreement to Provide Certified Natural Gas Services to a Governmental Aggregator, dated January 31, 2011  
**Date:** January \_\_\_\_, 2012

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In consideration of the mutual promises below, Aggregator and Supplier agree to modify their Master Agreement, but only to the extent set forth in this Amendment.

1. This Amendment constitutes the "mutual written agreement of both Aggregator and Supplier" (as contemplated in Section 3.1 of the Master Agreement) to extend the duration of the Master Agreement, with all modifications under this Amendment, to an additional term beginning with Duke's April 2012 billing period and terminating at the end of Duke's March 2014 billing period.
2. The first sentence of Section 5.1 of the Master Agreement is hereby deleted and replaced by: "Supplier's monthly charges shall appear on the Duke invoice and shall be for all natural gas supplied at a price to be determined by 103.5% of the Nymex price of gas plus \$0.083 per Ccf."
3. The third sentence of Section 5.1 of the Master Agreement is hereby deleted and replaced by: "For example, unless Triggered otherwise, the price to appear on the Customer invoice from Duke for April would be 103.5 % of the closing Nymex price of gas on March 15th plus \$0.083 per Ccf."

All other terms and conditions stated in the original Master Agreement continue in full force and effect.

#### AGREED:

**Aggregator:**  
VILLAGE OF GREENHILLS

**Supplier:**  
INTERSTATE GAS SUPPLY, INC.

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Name:  
Title:

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Name:  
Title:

