

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2023-13

Passed November 6, 2023

## VILLAGE OF WESTON, WOOD COUNTY, OHIO RESOLUTION NO. 2023-13

AUTHORIZING THE MAYOR TO ENTER INTO A MASTER AGREEMENT TO PROVIDE ELECTRIC GENERATION SUPPLY AND RELATED SERVICES WITHIN THE VILLAGE OF WESTON, AND DECLARING AN EMERGENCY

WHEREAS, the Village of Weston is a statutory village located in Wood County, Ohio, with powers of local self-government pursuant to Ohio Constitution Art. XVIII, section 3, and

WHEREAS, Dynegy Energy Services, LLC, is certified with the Public Utilities Commission of Ohio as a supplier and aggregator, and

WHEREAS, the Village entered into a Master Agreement for the supply of electricity with Dynegy Energy Services East, LLC, dba Dynegy Energy Services, LLC, dated February 16, 2021, as amended to date, (Agreement); and,

WHEREAS, the Village desires to authorize Dynegy Energy Services, LLC, to act as its electric supplier and desires to extend said Agreement.

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Weston, Wood County, Ohio:

SECTION 1. That the Mayor, on behalf of the Village of Weston, is hereby authorized to enter into an Amendment to the Master Agreement to Provide Electric Generation Supply and Related Services, and Exhibits thereto, subject to final review and approval by the Village Solicitor.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety property, and welfare for the reason that the electricity supply agreement for the Village should be executed immediately so as to provide uninterrupted, stable service to the municipal participants. Further, owing to the volatility in electricity prices, prompt action is necessary to secure the best savings for the Village.

Vote on emergency measure: Yeas 10 Nays 0 Abstention 0

Vote on measure: Yeas 10 Nays 0 Abstention 0

Passed this 6<sup>th</sup> day of November, 2023.

  
\_\_\_\_\_  
President of Council

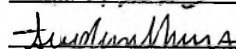
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Fiscal Officer

### CERTIFICATION

I HEREBY CERTIFY THIS TO BE A TRUE AND ACCURATE COPY OF THE VILLAGE OF WESTON RESOLUTION NUMBER 2023-13, AND THAT THERE IS NO NEWSPAPER PUBLISHED IN THE VILLAGE OF WESTON, AND THAT PUBLICATION OF THIS RESOLUTION WAS MADE BY POSTING IT AT THE FIVE PUBLIC PLACES DESIGNATED BY ORDINANCE 2023-1 ON

11/7/2023  
  
\_\_\_\_\_  
CLERK, VILLAGE OF WESTON

**AMENDMENT TO THE MASTER AGREEMENT**  
**TO PROVIDE ELECTRIC GENERATION SUPPLY AND RELATED SERVICES**  
**BY AND BETWEEN**  
**VILLAGE OF WESTON (WOOD COUNTY), OHIO**  
**AND**  
**DYNEGY ENERGY SERVICES EAST, LLC**  
**D/B/A DYNEGY ENERGY SERVICES, LLC**

**THIS AMENDMENT TO THE MASTER AGREEMENT TO PROVIDE ELECTRIC GENERATION SUPPLY AND RELATED SERVICES** (the “Amendment”) effective as of November 6, 2023, (the “Effective Date”) is entered into by and between **DYNEGY ENERGY SERVICES EAST, LLC**, (“DESE”) and **VILLAGE OF WESTON (WOOD COUNTY), OHIO** (the “Village”). DESE and the Village may each be referred to as a “Party” and collectively as the “Parties.”

**WHEREAS**, DESE and the Village have entered into that certain Master Agreement to Provide Electric Generation Supply and Related Services, dated **February 16, 2021**, and as amended to date, (the “Agreement”); and

**WHEREAS**, DESE and the Village desire to amend the Agreement to: (i) extend the Term, and (ii) agree on the rate that the Customers will pay for electric generation service provided by DESE under the Electric Aggregation Program.

**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

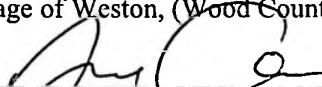
1. The Term of the Agreement is modified by extending through the selected meter read end date as listed on the Attachment(s) to this amendment.
2. Attachment A to the Agreement shall be deleted in its entirety and replaced with Attachment A, attached to this Amendment.
3. All capitalized terms not defined herein shall have the same meaning ascribed to such term in the Agreement.
4. In all other respects the above-referenced Agreement is not modified by this Amendment. All other terms and conditions of the above-referenced Agreement not expressly modified in this Amendment shall remain in full force and effect.
5. This Amendment may be executed in counterparts, each of which shall be an original, but all of which together shall constitute one and the same agreement. Any counterpart may be delivered by facsimile transmission or by electronic communication in portable document format (.pdf), and the Parties agree

that their electronically transmitted signatures shall have the same effect as manually transmitted signatures.

- 6. This Amendment is binding on and inures to the benefit of DESE and Village and their respective successors and permitted assigns.

**IN WITNESS WHEREOF**, DESE and the Village have executed this Amendment effective as of the Effective Date set forth above.

**VILLAGE:**  
Village of Weston, (Wood County) Ohio

By:   
Name: Jeremy Schroeder  
Title: Mayor

**DESE:**  
Dynergy Energy Services (East), LLC

By: \_\_\_\_\_  
Name: Linda L. Ponikwia  
Title: Manager, Municipal Aggregations

**CERTIFICATE #: 12-444E**

**DATE: February 28, 2022**

**ATTACHMENT A**

**BILLING RATES  
(Traditional Energy Program Option)**

DESE will provide retail electric generation service during the term of this Agreement at the following Billing Rates:

<b>Village of Weston (Wood County), OH: Initial ONE box below to Elect Term and Price</b>		
JS	<b>Retail Power Price</b>	<b>Delivery Term: 12 months</b>
	\$0.06875/kWh	May 2024 meter read date through May 2025 meter read date

**ATTACHMENT A**

**BILLING RATES  
(100% Renewable Energy Program Option)**

**This is an OPTIONAL “OPT-IN” offer. Eligible residents and small businesses must contact DESE directly to enter this Green Energy Program.**

<b>Village of Weston (Wood County), OH: Initial ONE box below to Elect Term and Price</b>		
	<b>Retail Power Price</b>	<b>Delivery Term: 12 months</b>
	\$0.07230/kWh*	May 2024 meter read date through May 2025 meter read date

\*The Retail Power Price shall be associated with the generation of electricity from a renewable energy resource on Customers’ behalf, such that the percentage shall equal 100%. The Retail Power Price indicated above reflects energy that is procured from 100% renewable resources and will be made available to Customers upon request.