

ORDINANCE NO. 2025-07

TO APPROVE THE FORM AND AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE POWER PURCHASE AGREEMENTS WITH CLEAN ENERGY VENTURES TO PROVIDE FOR SOLAR POWERED ELECTRIC GENERATING PROJECTS WITHIN THE CITY OF WESTERVILLE AND TO TAKE OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Westerville, Ohio (“City”) owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and,

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, the City has actively sought more diverse and flexible power supply sources, while taking advantage of both renewable energy and traditional power purchases; and,

WHEREAS, Clean Energy Ventures is a 501(c)3 tax-exempt corporation created by the Columbus Partnership and formed to deliver renewable energy to non-profit organizations and local governments, and is capable of developing, constructing, and operating solar powered electric generating assets (“Solar Assets”) within the City; and,

WHEREAS, City Staff and Clean Energy Ventures have negotiated and developed a form Power Purchase Agreement (“Form PPA”) through which Clean Energy Ventures could finance, install, operate, and maintain Solar Assets at approved City-owned sites for a term of twenty (20) years from the commercial operation date of each Solar Asset (“Term”); and,

WHEREAS, the City would be responsible for payment related to energy production from the Solar Assets at a predetermined rate (“Rate”) during the Term of the power purchase agreement (“PPA”) and would not be obligated to make payment if the Solar Assets are not producing energy; and,

WHEREAS, at the conclusion of the Term of the PPA, the City would have the option to purchase the Solar Assets for a nominal price; and,

WHEREAS, the City desires to participate in a series of PPAs which would specify City-owned sites where Clean Energy Ventures, after obtaining all necessary permits and approvals from the City and governmental authorities, could install, operate, and maintain Solar Assets which would produce energy for the City; and

WHEREAS, pursuant to Article III, Section 13 of the City Charter and Chapter 132 of the Codified Ordinances, Westerville City Council (“Council”) establishes the procedures for the purchase of utilities including the City’s power supply; and

WHEREAS, due to the volatility of the electric power supply market and the necessity to lock-in the most favorable prices and power supply contracts, it is necessary to utilize alternate procedures approved by Council to enter into such PPAs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTERVILLE, OHIO THAT:

SECTION 1. The Form PPA, substantially in the form which is on file with the Clerk of Council, is approved, and City Manager is hereby authorized and directed to execute PPAs with Clean Energy Ventures for specified sites with the City, with such modifications as the City Manager determines are reasonable and necessary to protect the City’s interest.

SECTION 2. The City Manager is hereby authorized and directed to execute PPAs consistent with the terms and provisions of the Form PPA with Clean Energy Ventures to provide for the installation, operation, and maintenance of Solar Assets which would generate a cumulative amount of not more than 10 MW of capacity for all PPAs and at a Rate not to exceed \$0.12 per kWh during the Term of any individual PPA.

SECTION 3. That Council hereby finds and determines that the process provided for and followed herein to execute PPAs satisfies and fulfills the requirements of the Westerville City Charter and, to the extent of any inconsistencies between this Ordinance and Chapter 132 of the Codified Ordinances, the provisions of this Ordinance supersede and override the provisions of Chapter 132.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

Megan Reamsnyder
Vice Chair of Council

APPROVED: _____

Andrew Winkel
Director of Law

Sara Yinger
Clerk of Council