



Encl. #11.19
October 23, 2014

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TO: Board of Education
FROM: Katy Buzzetti, School Business Administrator
DATE: October 16, 2014
RE: Resolution for Cooperative Energy Purchasing Services – Electricity

The following Resolution Authorizing Participation in Cooperative Energy Purchasing Service (NYSMEC) For Electricity authorizes the District to participate in the New York School and Municipal Energy Consortium (NYSMEC) for an additional three years effective May 1, 2015. The current NYSMEC contract is due to expire April 30, 2015. OCM BOCES is the administrative participant in this consortium and is currently collecting resolutions from Districts who wish to participate as preparation for the bidding process. Because the bids will not be opened and awarded until late March, OCM BOCES has put in the resolution documents a “not to exceed” price per kWh for electric. These “not to exceed” prices are the result of OCM BOCES’s consultant’s findings based on a series of factors, including current market conditions, future market predictions, and indicators of price volatility in the Northeast during the next contract period. The actual prices will be determined by the market at the time of the bid opening. While OCM BOCES expects the price to come in lower than the “not to exceed” price, this is the absolute cap the participants are allowing OCM BOCES to award on the bid for a term not to exceed three years.

KB/hd

Enclosure

Quality Education for All

The Mission of the Horseheads Central School Community is to provide a quality education for all within a nurturing environment which promotes excellence, growth, and a sense of civic responsibility.

**RESOLUTION AUTHORIZING PARTICIPATION IN
COOPERATIVE ENERGY PURCHASING SERVICE
(NYSMEC) FOR ELECTRICITY**

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes municipal corporations to enter into cooperative agreements for the performance or exercise of services, functions, powers or activities on a cooperative or contract basis among themselves or one for the other, and

WHEREAS, Section 119-n of the General Municipal Law defines the term "municipal corporation" for the purposes of Article 5-G as a county outside the city of New York, a city, a town, a village, a board of cooperative educational services, a fire district or a school district; and

WHEREAS, Horseheads Central School District (hereinafter sometimes referred to as "Participant") is a "municipal corporation" as defined above; and

WHEREAS, this Board wishes for this municipal corporation to become or remain a Participant pursuant to the Municipal Cooperation Agreement For Energy Purchasing Services dated the 1st day of May 2005 (the "Agreement"), among municipal corporations collectively identified as the New York School and Municipal Energy Consortium ("NYSMEC") upon the terms of the Agreement and further wishes to authorize participation as an energy consumer as specified below.

NOW THEREFORE, BE IT RESOLVED, that this Board hereby determines that it is in the interests of the Horseheads Central School District to participate in the NYSMEC, and authorizes and directs Michael Coghlan to sign the Agreement/and or the Billing Schedule and Agreement for electricity on its behalf; and

BE IT FURTHER RESOLVED, that this Board authorizes the Administrative Participant (as defined in the Agreement) to prepare, advertise, disseminate and open bids pursuant to the General Municipal Law and to award, execute and deliver binding contracts on behalf of this Board for the purchase of electricity for this Participant to the lowest responsible bidder as is determined by the Administrative Participant at a commodity price not to exceed \$.1126 cents per kWh for a term of at least one year and no more than three years commencing May 1, 2015, and other terms and conditions, all as may be determined by the Administrative Participant, or to reject any or all such bids; and

BE IT FURTHER RESOLVED, that this Participant agrees to advertise said bid as may be directed by the Administrative Participant; and

BE IT FURTHER RESOLVED, that the officers and employees of this Participant are authorized to execute such other confirming agreements, certificates and other documents and take such other actions as may be necessary or appropriate to carry out the intent of this resolution.

This Resolution shall take effect immediately.

I certify that the foregoing resolution was duly adopted by the governing body of the municipal corporation named therein at a duly convened meeting thereof, held upon due notice and in accordance with all applicable laws, charters, by-laws and ordinances, including but not limited to the Open Meetings Law, as follows:

Date of Meeting: October 23, 2014

Vote: Yes _____ No _____ Abstaining/Absent _____

Clerk of governing body
of municipal Participant

Date

SEAL