

CITY OF ENGLEWOOD

IN

MONTGOMERY COUNTY, OHIO

ORDINANCE NO: 22-10

Passed: August 9, 2022

AN ORDINANCE:

1) AUTHORIZING ALL ACTIONS NECESSARY TO:

- i) EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE MONTGOMERY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; and**
- ii) EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE MONTGOMERY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; and**

2) DECLARING THE ORDINANCE TO BE AN EMERGENCY AND STATING THE REASONS FOR SUCH DECLARATION.

WHEREAS, the Ohio legislature has enacted electric (R.C. § 4928.20) and natural gas (R.C. § 4929.26) deregulation legislation which authorizes the legislative authorities of cities, villages, townships and counties to aggregate the retail electrical and natural gas loads located within their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity and natural gas; and

WHEREAS, governmental aggregations provide an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity and natural gas deregulation through lower electricity and natural gas rates which would not otherwise be available to those electricity and natural gas customers individually; and

WHEREAS, the City wishes to: i) establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code for the residents, businesses and other electric consumers in the City; and ii) establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26 of the Ohio Revised Code for the residents, businesses and other natural gas consumers in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I The City Council has concluded that it is in the best interest of the City and its residents and businesses located within the corporate limits of the City to establish these aggregation programs pursuant to Sections 4928.20 (electric) and 4929.26 (natural gas) of the Ohio Revised Code.

SECTION II The aggregation programs must be approved by the electors of the City pursuant to Section 3 of this Ordinance. Upon approval by the electorate the City is hereby authorized to: i) automatically aggregate, in accordance with Section 4928.20 of the Ohio Revised Code, the retail electric loads (customers) located within the City, and enter into service agreements to facilitate for those loads the purchase and sale of electricity; and ii) automatically aggregate, in accordance with Section 4929.26 of the Ohio Revised Code, the retail natural gas loads (customers) located within the City, and enter into service agreements to facilitate for those loads the purchase and sale of natural gas. The City may exercise such authority jointly with any other municipal corporation, township, or county or other political subdivision of the state of Ohio.

SECTION III The Board of Elections of Montgomery County is hereby directed to submit the following questions to the electors of the City at the general election on November 8, 2022:

“Shall the City of Englewood have the authority to aggregate the retail electric customers located in the City, and for that purpose, enter into services agreements to facilitate for those customers the sale and purchase of electricity, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.”

“Shall the City of Englewood have the authority to aggregate the retail natural gas customers located in the City, and for that purpose, enter into services agreements to facilitate for those customers the sale and purchase of natural gas, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.”

The Clerk of Council of the City is instructed to immediately file a certified copy of this Ordinance and the proposed form of the ballot question with the Montgomery County Board of Elections not less than ninety days prior to the general election. The aggregation programs shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the aggregation programs provided for herein at the election held pursuant to this Section 3 and Sections 4928.20 and 4929.26 of the Ohio Revised Code.

SECTION IV Upon approval of a majority of the electors voting at the general election provided for in Section 3 of this Ordinance, the City, individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation programs. Before adopting this plan, the City Council shall hold at least two public hearings on the plan.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this City Council shall aggregate the electric load of any electric load center, or the natural gas load of any natural gas center, within the City unless it, in advance, clearly discloses to the person owning, occupying, controlling or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects, by a stated procedure, not to be enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program for electric loads the opportunity to opt out of the program at least once every three years without paying a switching fee, and shall allow any person enrolled in the Aggregation Program for natural gas loads the opportunity to opt out of the program at least once every two years without paying a switching fee. Any person that opts out of the Aggregation Program for retail electric loads pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier. Any person that opts out of the Aggregation Program for natural gas loads pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

SECTION V The City Council hereby declares that this Ordinance should be passed on an emergency basis in order to permit the submission of the questions in Section 3 hereof to the Board of Elections of Montgomery County no later than 90 days prior to the November 8, 2022, general election, as required by Sections 4928.20 and 4929.26 of the Ohio Revised Code.

SECTION VI It is hereby found and determined that all formal actions of this City 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 any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION VII That this Ordinance shall be in full force and effect at the earliest date allowed by law.

PASSED THIS NINTH DAY OF AUGUST, 2022.


~~THOMAS FRANZ, MAYOR~~
~~Brad Daugherty, Vice Mayor~~

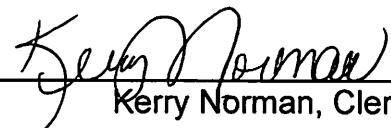
ATTEST:



KERRY NORMAN, CLERK OF COUNCIL

C E R T I F I C A T E

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 9th day of August, 2022.



Kerry Norman, Clerk of Council

CERTIFICATE OF POSTING

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify publication of the foregoing ORDINANCE was made as designated by Sections 224.01 and 24.02 of the Englewood Code.



Kerry Norman, Clerk of Council