

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading <input checked="" type="checkbox"/>	Waiver 3-Reading Rule _____
RESOLUTION NO: <u>2015 – 10-43</u>	Yes _____	Second Reading _____	Yes <input checked="" type="checkbox"/>
INTRODUCED BY <u>R. ANTAL</u>	No <input checked="" type="checkbox"/>	Third Reading _____	No _____

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND DECLARING AN EMERGENCY

WHEREAS, under Section 4929.26, Ohio Revised Code, the Village of Boston Heights, Ohio (the “Village”) is authorized to establish an opt-out natural gas aggregation program for the benefit of natural gas consumers located within the incorporated areas of the Village;

WHEREAS, under Section 4929.26, Ohio Revised Code, the Village may exercise such authority jointly with other political subdivisions in the State of Ohio;

WHEREAS, governmental aggregation provides an opportunity for natural gas consumers collectively to participate in the potential benefits of natural gas deregulation through lower gas rates which they would not otherwise be able to have individually;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF BOSTON HEIGHTS, OHIO, THAT:

SECTION 1. This Village Council finds and determines that it is in the best interest of the Village and certain natural gas consumers located within the incorporated areas of the Village to establish an opt-out natural gas aggregation program (the “Gas Aggregation Program”). Provided that this Resolution and the Gas Aggregation Program is approved by the electors of the Village pursuant to Section 2 of this Resolution, the Village is hereby authorized to aggregate, in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the incorporated areas of the Village. For the Gas Aggregation Program, the Village may enter into service agreements to facilitate the sale and purchase of service for retail natural gas loads. The Village may exercise such authority jointly with any other political subdivision of the State of Ohio and through the Northeast Ohio Public Energy Council (“NOPEC”), a political subdivision of the State of Ohio, to the full extent permitted by law, and for such purpose, any Village officers are hereby authorized to execute and deliver a council of government agreement and a program agreement with NOPEC in order to establish the Gas Aggregation Program through NOPEC. The Gas Aggregation Program does not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26(A)(2): (i) the person is both a distribution service customer and a mercantile customer, (ii) the person has an existing commodity sales service contract with a retail natural gas supplier, (iii) the person has commodity sales service as part of a retail natural gas aggregation pursuant to rules and orders of the Public Utilities Commission of Ohio, or (iv) such other persons that are not eligible customers pursuant to rules and orders of the Public Utilities Commission of Ohio.

SECTION 2. The Board of Elections of Summit County is hereby directed to submit the following question to the electors of the Village at the election on March 15, 2016.

Shall the Village of Boston Heights have the authority to aggregate the retail natural gas loads located within the incorporated areas of the Village and enter into service

agreements for the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?

SECTION 3. The Clerk of this Council is instructed to file a certified copy of this Resolution and the proposed form of the ballot question with the Summit County Board of Elections not later than December 16, 2015, which is ninety (90) days prior to March 15, 2016. The Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

SECTION 4. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Resolution, this Council individually or jointly through NOPEC, shall develop a plan of operation and governance for the Gas Aggregation Program. Before adopting such plan, this Councilor NOPEC on behalf of this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Village. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council or NOPEC on behalf of this Council shall aggregate any retail natural gas customer in the Village unless it in advance clearly discloses to the person whose retail natural gas is to be so aggregated that the person will be enrolled automatically in the Gas Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so 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 Gas Aggregation Program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the Gas Aggregation Program 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 5. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 the law.


SECTION 6. This Resolution 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 Resolution is required to be immediately effective in order for the Village to timely file a certified copy of this Resolution and the proposed form of the ballot question with the Summit County Board of Elections, as provided herein; wherefore, this Resolution shall be in full force and effect immediately upon its adoption and approval by the Mayor of the Village.

PASSED:



BILL GONCY, Mayor

ATTEST:


BETTY KLINGENBERG, FISCAL OFFICER

I, **BETTY KLINGENBERG**, Fiscal Officer and Clerk of the Village of Boston Heights, Summit County, Ohio do hereby certify that the foregoing Resolution **2015-10-43** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **13th day of October, 2015**.