

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2023-01

Ordinance No. _____ Passed January 3, 2023

AN ORDINANCE DIRECTING THE BOARD OF ELECTIONS OF MONTGOMERY COUNTY, OHIO TO PLACE ON THE BALLOT AT THE ELECTION TO BE HELD ON MAY 2, 2023 THE QUESTION OF WHETHER THE CITY OF BROOKVILLE, OHIO SHOULD EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4928.20 AND A NATURAL GAS AGGREGATION PROGRAM WITH OPT OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE.

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 BROOKVILLE, 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 III 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 on May 2, 2023:

"Shall the City of Brookville have the authority to aggregate the retail electric loads located in the City of Brookville, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?"

"Shall the City of Brookville have the authority to aggregate the retail natural gas loads located in the City of Brookville, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?"

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SECTION IV: 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, Ohio Board of Elections not less than ninety days prior to the . 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 III and Sections 4928.20 and 4929.26 of the Ohio Revised Code.

SECTION V: Upon approval of a majority of the electors voting at the provided for in Section III 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.


SECTION VI: 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 choose 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 VII: 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 that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VIII: This Ordinance shall take effect immediately upon passage as provided in Section 4.07(A)(3) of the Charter of the City of Brookville, Ohio.

PASSED this 3rd day of January 2023.

ATTEST:



Kimberly Duncan, Clerk



Charles Letner, Mayor

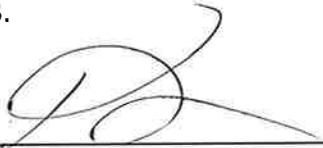
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CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-01, passed by the Council of the City of Brookville, Ohio, on the 3rd day of January 2023.


Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-01 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 4th day of January 2023, to the 2nd day of February 2023, both days inclusive.


Kimberly Duncan, Clerk