

RESOLUTION NO15-19, 2015

COLUMBIA TOWNSHIP, HAMILTON COUNTY, OHIO

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the General Assembly has enacted natural gas deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, pursuant to Section 4929.26 of the Ohio Revised Code, subject to opt-out provisions, the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas;

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities;

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

WHEREAS, this Board of Trustees seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26 of the Ohio Revised Code, (“the Aggregation Program”), for the residents, businesses, and other natural gas consumers in the Township and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, this Board of Trustees desires to proceed with the submission of the question to the electors of the Township.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE OF COLUMBIA TOWNSHIP, STATE OF OHIO:

SECTION 1. This Board of Trustees finds and determines that it is in the best interest of the Township, its residents, businesses, and other natural gas consumers located within the corporate limits of Columbia Township to establish the Aggregation Program in Columbia Township.

SECTION 2. Provided that the Aggregation Program is approved by the electors of the Township pursuant to Section four of this Resolution, the Township is hereby authorized to aggregate automatically in accordance with Section 4929.26 of the Ohio Revised Code, competitive retail natural gas service for the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate the sale and purchase of the service for the retail municipal corporation, township or county of the State of Ohio to the fullest extent permitted by law.

SECTION 3. The aggregation will occur automatically for each person owning, occupying, controlling or using a natural gas load center proposed to be aggregated and will provide for the opt-out rights pursuant to Subsection (D) of Section 4929.26 described in Section five of this Resolution.

SECTION 4. The Board of Elections of Hamilton County, Ohio, is hereby directed to submit the following question to the electors of Columbia Township at the next general election on November 3, 2015. The Aggregation Program shall not take effect unless approved by the majority of the electors voting upon this issue at the election held pursuant to this Resolution and Section 4929.26 of the Ohio Revised Code. The form of the ballot to be used in the November 3, 2015, general election shall be substantially as follows:

PROPOSED NATURAL GAS AGGREGATION PROGRAM
COLUMBIA TOWNSHIP
A majority affirmative vote is necessary for passage.
Shall Columbia Township have the authority to aggregate automatically in accordance with Section 4929.26 of the Ohio Revised Code, and subject to the opt-out requirements of Subsection (D) of Section 4929.26, the retail natural gas loads located within the Township, and, for that purpose, enter into service agreements to facilitate the sale and purchase of the service for the natural gas loads, such aggregation to occur automatically except where any person elects to opt-out?
FOR THE NATURAL GAS AGGREGATION PROPOSAL
AGAINST THE NATURAL GAS AGGREGATION PROPOSAL

SECTION 5. The Clerk of this Board of Trustees is instructed to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than ninety (90) days prior to November 3, 2015. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to Section four and Section 4929.26 of the Ohio Revised Code.

SECTION 6. Upon the approval of a majority of the electors voting at the election provided in Section four of this Resolution, this Board of Trustees individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Board of Trustees 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 Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Trustees shall aggregate the natural gas load of any natural gas load center within the Township 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 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 Aggregation Program the opportunity to opt-out of the program every two years, without paying a switching fee or any other penalty as set forth in Rule 4901:1-28-04 of the Ohio Administrative Code. Any such person who opts out of the aggregation pursuant to the stated procedure shall default to the electric service company providing distribution service for the person's retail electric service load, until the person chooses an alternative supplier.

SECTION 7. This Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board of Trustees and that all deliberations of this Board of Trustees and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 8. This Resolution is declared to be immediately effective in order that a certified copy of this Resolution and the proposed form of the ballot question be filed with the Board of Elections of Hamilton County not later than ninety (90) days prior to the November 3, 2015 election, as provided herein; wherefore, this Resolution shall be in full force and effect immediately upon its adoption.