

ORDINANCE NO. OR22-22

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL TO FACILITATE COMPETITIVE RETAIL ELECTRIC SERVICE TO PROMOTE ELECTRICITY SAVINGS, LOWER-COST ELECTRICITY SUPPLIES, AND OTHER BENEFITS FOR CERTAIN ELECTRICITY CONSUMERS AND AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN ELECTRIC AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE AND ARTICLE XVIII SECTION 4 OF THE OHIO CONSTITUTION; AND DIRECTING THE MONTGOMERY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; AND AUTHORIZING AN AGREEMENT WITH AN AGENT FOR SUCH PURPOSES.

WHEREAS, Article XVIII Section 4 of the Ohio Constitution grants the City of Trotwood ("City") certain authority related to utility service and pursuant to Chapter 4928 of the Ohio Revised Code, to facilitate competitive retail electric service to promote electricity savings, lower-cost electricity supplies, and other benefits, certain governmental entities may aggregate certain electricity consumers within their jurisdictions; and

WHEREAS, Pursuant to Section 4928.20 of the Ohio Revised Code, the City is authorized to act as an aggregator by establishing an automatic opt-out governmental aggregation program for the provision of competitive retail electric service ("Electric Aggregation") for the benefit of certain electricity consumers within the City so that the consumers may realize lower-cost electricity supplies, and other benefits from the aggregation and combined purchasing of electric supplies; and

WHEREAS, Electric Aggregation provides an opportunity for electricity consumers collectively to realize electricity savings, lower-cost electricity supplies, and other benefits that the consumers may not otherwise be able to realize individually; and

WHEREAS, In the public interest, the City desires to submit to the electors of the City the question of whether the City should create an Electric Aggregation program to facilitate competitive retail electric service to promote electricity savings, lower-cost electricity supplies, and other benefits in accordance with Section 4928.20 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I:

This Council finds and determines that to facilitate competitive retail electric service to promote electricity savings, lower-cost electricity supplies, and other benefits, it is in the best interest of the City and certain electricity consumers within the jurisdiction of the City to establish an opt-out Electric Aggregation program in the City pursuant to Section 4928.20 of the Ohio Revised Code. Provided that this Ordinance and an Electric Aggregation program is approved by the electors of the City in accordance with this Ordinance, the City is hereby authorized to take all actions necessary to affect an Electric Aggregation program pursuant to Section 4928.20 of the Ohio Revised Code. The City may exercise this authority jointly with other entities to the full extent permitted by law. Further, for such purposes, the City Manager of the City is hereby authorized to execute and deliver an agreement with a to-be-named agent ("Agent") to assist the City as its consultant and agent to effect an Electric Aggregation program. Actions necessary to effect an Electric Aggregation program include determining and entering into service agreement(s) with suppliers to facilitate the sale and purchase of all electricity, competitive retail electric services, and retail electric generation to serve the enrolled consumers.

SECTION II:

The City shall be authorized by the electors to be the only entity authorized to act for and on behalf of the enrolled electric consumers to determine and select the provider(s) to supply the commodity and all other services for the Electric Aggregation program and the enrolled consumers.

SECTION III:

The Electric Aggregation program shall not apply to persons that are not eligible pursuant to Rules and/or Orders of the Public Utilities Commission of Ohio ("Commission") or not eligible pursuant to the adopted plan of operations and governance ("Plan") for the Electric Aggregation program.

SECTION IV:

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

To facilitate competitive retail electric service to promote electricity savings, lower-cost electricity supplies, and other benefits, shall the City of Trotwood have the authority to aggregate retail electrical loads and enter into service agreements for the sale and purchase of electricity and other services, such aggregation to occur automatically unless any person affirmatively elects not to be enrolled by a stated procedure?

FOR, the City of Trotwood to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

NOT FOR, the City of Trotwood to facilitate competitive retail electric service to promote electricity savings and other benefits by acting as an aggregator.

SECTION V:

The Clerk of this Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the Montgomery County Board of Elections not later than August 10, 2022, which is ninety (90) days prior to November 8, 2022.

SECTION VI:

The Electric Aggregation program shall not take effect unless approved by a majority of the electors voting upon the proposed ballot question at the election held in accordance with this Ordinance and Section 4928.20 of the Ohio Revised Code. Upon approval, the Electric Aggregation shall take effect at the earliest permissible point in time and continue thereafter in accordance with Section 4928.20 and other requirements of Chapter 4928 of the Ohio Revised Code.

SECTION VII:

Upon approval by a majority of the electors voting at the election provided for in this Ordinance, the City may at its sole discretion develop and adopt a Plan of operations and governance for the Electric Aggregation program. Consumers enrolled in the Electric Aggregation program shall be supplied their electricity requirements and other services in accordance with

supply agreement(s) determined and arranged by the City as opportunities become available to provide benefits on behalf of the consumers enrolled in the Electric Aggregation program and the consumers located within the jurisdiction of the City. The City shall be authorized by the electors to be the only entity authorized to act for and on behalf of the consumers that have enrolled in the Electric Aggregation program to determine and select the supplier(s) to provide electricity and all other services for the Electric Aggregation program and the enrolled consumers.

SECTION VIII:

Before adopting such Plan, at least two public hearings on the Plan shall be held. Before the first hearing, notice of the first hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the Plan and state the date, time, and location of each hearing.

SECTION IX:

The adopted Plan shall not aggregate any retail electrical load within the City, unless the person whose electrical load is to be so aggregated is notified in advance that the person will be enrolled automatically in the Electric Aggregation program and shall remain so enrolled, unless the person affirmatively elects not to be so enrolled by a stated procedure. The disclosure shall state the rates, charges, and other terms and conditions of the enrollment. Once enrolled the consumer may only opt-out of the Electric Aggregation program every three years without paying a switching fee. Any such person that opts-out of the Electric Aggregation program shall default to the standard offer service of the person's electric distribution utility, until the person chooses an alternative supplier.

SECTION X:

The Montgomery County Board of Elections shall cause an appropriate notice to be duly given of the election to be held on November 8, 2022, on the foregoing proposal and otherwise to provide for such election in the manner provided by the laws of the State of Ohio.

SECTION XI:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this

Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

SECTION XII: This Ordinance shall take effect at the earliest time allowed by law.

Passed this **5th** day of **July, 2022**.

ATTEST:

APPROVED:



KARA B. LANDIS
CLERK OF COUNCIL



MARY A. MCDONALD
MAYOR



YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR22-22** adopted by the Trotwood City Council at a regular scheduled meeting held on the **5th** day of **July, 2022**, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL