

ORDINANCE NO. OR23-22

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL TO FACILITATE COMPETITIVE RETAIL NATURAL GAS SERVICE TO PROMOTE NATURAL GAS SAVINGS, LOWER-COST NATURAL GAS SUPPLIES, AND OTHER BENEFITS FOR CERTAIN NATURAL GAS CONSUMERS AND AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A NATURAL GAS AGGREGATION PROGRAM PURSUANT TO SECTION 4929.26 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.

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 4929 of the Ohio Revised Code, to facilitate competitive retail natural gas service to promote natural gas savings, lower-cost natural gas supplies, and other benefits, certain governmental entities may aggravate certain natural gas consumers within their jurisdiction; and

WHEREAS, Pursuant to Section 4929.26 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 natural gas service (“Gas Aggregation”) for the benefit of certain natural gas consumers within the City so that the consumers may realize lower-cost natural gas supplies and other benefits from the aggregation and combined purchasing of natural gas supplies; and

WHEREAS, Gas Aggregation provides an opportunity for natural gas consumers collectively to realize natural gas savings, lower cost natural gas 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 a Gas Aggregation program to facilitate competitive retail natural gas service to promote natural gas savings, lower-cost natural gas supplies, and other benefits in accordance with Section 4929.26 of the Ohio Revised Code.

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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 natural gas service to promote natural gas savings, lower-cost natural gas supplies, and other benefits, it is in the best interest of the City and certain natural gas consumers within the jurisdiction of the City to establish an opt-out natural Gas Aggregation program in the City pursuant to Section 4929.26 of the Ohio Revised Code. Provided that this Ordinance and a Gas 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 effect the Gas Aggregation program pursuant to Section 4929.26 of the Ohio Revised Code. The City may exercise this authority jointly with other entities to the full extent permitted by law. Actions necessary to effect the Gas Aggregation program include determining and entering into service agreement(s) with natural gas commodity and services 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 natural gas consumers to determine and select the provider(s) to supply the commodity and all other services for the Gas Aggregation program and the enrolled consumers.

SECTION III:

The Gas Aggravation program shall not apply to persons meeting any of the following criteria, as more specifically described in Section 4929.26(A)(2) of the Ohio Revised Code: (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 an existing commodity sales service as part of a retail natural gas aggregation pursuant to Rules and Orders of the Public Utilities Commission of Ohio (“Commission”), or (iv) such other persons that are not eligible pursuant to Rules and Orders of the Commission or the plan of operations and governance (“Plan”) for the Gas 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 natural gas service to promote natural gas savings, lower-cost and natural gas supplies, and other benefits, shall the City of Trotwood have the authority to aggregate retail natural gas loads and enter into service agreements for the sale and purchase of natural gas 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 natural gas service to promote natural gas savings and other benefits by acting as an aggregator.

NOT FOR, the City of Trotwood to facilitate competitive retail natural gas service to promote natural gas 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 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 in accordance with this Ordinance and Section 4929.26 of the Ohio Revised Code. Upon approval, the Gas Aggregation shall take effect at the earliest permissible point in time and continue thereafter in accordance with Section 4929.26 and other requirements of Chapter 4929 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 Gas Aggregation program. Consumers enrolled in the Gas Aggregation program shall be supplied their natural gas 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 Gas 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 Gas Aggregation program to determine and select the supplier(s) to provide natural gas and all other services for the Gas 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 natural gas load within the City, unless the person whose natural gas load is to be so aggregated is notified in advance that the person will be enrolled automatically in the Gas 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 Gas Aggregation program every two (2) years without paying a switching fee. Any such person that opts-out of the Gas Aggregation program shall default to the standard offer service of the person's natural gas 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

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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.

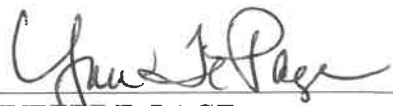
Passed this 5th day of July, 2022.

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. OR23-22 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