

CITY OF FOSTORIA, OHIO

Ordinance No.: 2019 - _____

Introduced by: _____

Requested by: SSD

AN ORDINANCE

Authorizing all actions necessary to effect an opt-out electric service aggregation program pursuant to Section 4928.20 of the Ohio Revised Code, directing the County Boards of Elections to submit a ballot question to the electors, and declaring an emergency to exist.

WHEREAS, under Section 4928.20, Ohio Revised Code, the City of Fostoria, Ohio (the “City”) is authorized to establish an opt-out electricity aggregation program for the benefit of electricity consumers within the City;

WHEREAS, under Section 4928.20, Ohio Revised Code, the City may exercise such authority jointly with other political subdivisions in the State of Ohio; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fostoria, Seneca, Hancock, and Wood Counties, Ohio:

SECTION 1. This Council of the City (the “Council”) finds and determines that it is in the best interest of the City and certain electricity consumers located within the City to establish an opt-out electricity aggregation program (the “Electricity Aggregation Program”). Provided that this Ordinance and the Electricity Aggregation Program is approved by the electors of the City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate, in accordance with Section 4928.20, Ohio Revised Code, the retail electric loads located within the City and for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City may exercise such authority jointly with any other city, township, municipal corporation, county or 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 City officer designated by them are hereby authorized to execute and deliver an agreement with NOPEC in order to establish the Electric Aggregation Program through NOPEC. The aggregation will occur automatically for each person owning, occupying, controlling or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Ordinance.

SECTION 2. The Boards of Elections of Seneca County, Hancock County and Wood County are hereby directed to submit the following question to the electors of the City at the general election on November 5, 2019:

Shall the City of Fostoria have the authority to aggregate the retail electricity loads located in the City and for that purpose, and 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?

The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with each County Board of Elections not later than August 5, 2019, which is ninety (90) days prior to November 5, 2019. The Electricity 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 4928.20, Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Ordinance, this Council individually or jointly through the Northeast Ohio Public Energy Council (“NOPEC”), shall develop a plan of operation and governance for the Electricity Aggregation Program. Before adopting such plan, this Council or 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 City. 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 the electrical load of any electric load center within the unincorporated areas of 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 Electricity 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 Electricity Aggregation Program the opportunity to opt out of the program at least every three years, without paying a switching fee. Any such person that opts out of the Electricity Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35 Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 5. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order for the City to file a certified copy of this Ordinance and the proposed form of the ballot question with each County Board of Elections not later than August 5, 2019, as provided herein; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption and approval by the Mayor of the City.

Passed this _____ day of _____, 2019.

Steve Kauffman, Council President

ATTEST:

Tamara L. Drake, Clerk of Council

Filed with me and approved by me this _____ day of _____, 2019.

Eric J. Keckler, Mayor