

**BOARD OF TRUSTEES  
JEFFERSON TOWNSHIP, MONTGOMERY COUNTY, OHIO**

**RESOLUTION NO. 15-92**

**AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A  
GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-  
OUT PROVISIONS PURSUANT TO SECTION 4928.20 OHIO REVISED CODE  
AND DIRECTING THE MONTGOMERY COUNTY BOARD OF ELECTIONS TO  
SUBMIT A BALLOT QUESTION TO THE ELECTORS**

The Board of Trustees of Jefferson Township, Montgomery County, Ohio met in a regular session on the 1st day of December, 2015, at One Business Park Drive, Dayton, Ohio with the following members present:

Damon Woods   x   Mary Johnson   x   Roy Mann   x  

Trustee Mann moved the adoption of the following resolution.

**WHEREAS**, the Ohio Legislature enacted electric deregulation legislation ("Am. Sub. S.B. No. 3"), which authorized the legislative authorities of municipal corporations, townships, and counties to aggregate the retail electrical loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

**WHEREAS**, governmental aggregation provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of electricity deregulation through lower electricity rates, which would not otherwise be available to those electricity customers individually; and

**WHEREAS**, the Board of Trustees of Jefferson Township ("Trustees") seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code, for the residents, businesses and other electric consumers in the Township, and may be in conjunction with any other legislative authorities in the State of Ohio, as permitted by law (the "Aggregation Program").

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Jefferson Township, Montgomery County, Ohio that:

Section 1: The Board finds and determines that it is in the best interest of the Township, its residents, businesses and other electric consumers located within the corporate limits of the Township to establish an Aggregation Program in the Township. Provided that the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Board is hereby authorized to automatically aggregate, in accordance with Section 4928.20, Ohio Revised Code, the retail electric loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the purchase and sale of electricity. The Board may exercise such authority jointly with any other political subdivision of the State of Ohio to the full extent permitted by law, which may include use of an energy broker/consultant/aggregator, so long as the broker/consultant/aggregator is certified by the Public Utilities Commission of Ohio.

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 Resolution.

Section 2: The Board of Elections of Montgomery County is hereby directed to submit the following question to the electors of Township at the election on March 15, 2016:

Shall the Board of Trustees of Jefferson Township have the authority to aggregate the retail electric loads located in the Township, and for that purpose, enter into services 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, in accordance with Section 4928.20 of the Ohio Revised Code and Resolution No.15-92 adopted by the Board of Trustees?

The Fiscal Officer of this Board is instructed to immediately file a certified copy of this Resolution and the proposed form of the ballot question with the Montgomery County Board of Elections not less than ninety (90) days prior to the election to be held March 15, 2016. 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 this Section 2 and Section 4928.20, Ohio Revised Code.

Section 3: Upon approval of a majority of the electors voting at the election provided for in Section 2 of this Resolution, this Board, individually or jointly with any other political subdivision, may develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Board 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 place of each hearing. No plan adopted by this Board shall aggregate the electric load of any electric 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 at least every three years, without paying a switching fee. Any such person who opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under Section 4928.141 of the Ohio Revised Code, until the person chooses an alternative supplier.

Trustee Woods seconded the motion, and the roll was called on the question of its adoption.

The vote was as follows:

Damon Woods (yes) Mary Johnson (yes) Roy Mann (yes)

Adopted December 1, 2015

Attest:

  
Tracey Edwards, Fiscal Officer

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