

## RESOLUTION NO. 2010-29-CD

### RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION 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 AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH INDEPENDENT ENERGY CONSULTANTS, INC. FOR SUCH PURPOSES AND DECLARING AN EMERGENCY

**WHEREAS,** the Ohio Legislature has enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of municipal corporations to aggregate 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,** 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,** the Council of the Village of Greenhills seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other natural gas consumers in the Village, as permitted by law.

**NOW, THEREFORE, BE IT RESOLVED,** by the Council of the Village of Greenhills, Hamilton County, Ohio, two-thirds of all members elected thereto concurring:

#### **SECTION 1.**

That the Village Council finds and determines that it is in the best interest of the Village, its residents, businesses and other natural gas consumers located within the corporate limits of the Village to establish the Aggregation Program in the Village. Provided that this Resolution and the Aggregation Program is approved by the electors of the Village pursuant to Section 2 of this Resolution, the Village is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Village, and, for that purpose, to enter into service agreements to facilitate the sale and purchase of the service for the retail natural gas loads. The Village may exercise such authority using Independent Energy Consultants, Inc., an energy broker and aggregator certified by the Public Utilities Commission of Ohio, to the fullest extent permitted by law, and for such purpose, the Municipal Manager is hereby authorized to execute and deliver a brokerage agreement with Independent Energy Consultants, Inc. upon terms approved by the Village Council. 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 described in Section 3 of this Resolution.

**SECTION 2**

The Board of Elections of Hamilton County is hereby directed to submit the following question to the electors of the Village at the general election on November 2, 2010.

Shall the Village of Greenhills have the authority to aggregate the retail natural gas loads located in the Village, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4929.26 of the Ohio Revised Code and Resolution No. 2010-29-CD adopted by Village Council?

The Clerk of this Council be, and she hereby is, instructed immediately 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 2, 2010. 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 4929.26, Ohio Revised Code.

**SECTION 3.**

That upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Resolution, this Council through Independent Energy Consultants shall develop a plan of operation and governance for the Natural Gas Aggregation Program. Before adopting such plan, 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 Village. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Village 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 penalty as set forth in rule 4901:1-28-04 of the Ohio Administrative Code.

**SECTION 4.**

That this Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution 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.**

That the Municipal Manager is hereby authorized and directed to enter into an agreement with Independent Energy Consultants, Inc. for consulting services and any other required services related to natural gas utility deregulation for the Village of Greenhills and ratifying any such services heretofore performed.

**SECTION 6.**

That this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Resolution is required to be immediately effective in order to file a certified copy of this Resolution and the proposed form of the ballot question with the Board of Elections of Hamilton County not later than ninety (90) days prior to the November 2, 2010 election, as provided herein; therefore, this Resolution shall take effect immediately upon its adoption.

Passed the 20<sup>th</sup> day of July, 2010.

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Fred Murrell, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

State of Ohio )

County of Hamilton ) SS:

I, Kathryn L. Lives, Clerk of Council, Village of Greenhills, Ohio, do hereby certify that the foregoing is taken and copied from the record of the proceedings of said meeting; that the same has been compared by me with the Resolution on said record and that it is a true and correct copy thereof.

Witness my signature, this \_\_\_\_\_ day of July, 2010.

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Clerk of Council