

ELECTRIC SERVICE OPT-OUT AGGREGATION ORDINANCE 18-20

AN ORDINANCE AUTHORIZING ALL ACTIONS
NECESSARY TO EFFECT AN OPT-OUT ELECTRIC SERVICE
AGGREGATION PROGRAM PURSUANT TO SECTION
4928.20, OHIO REVISED CODE, DIRECTING THE VILLAGE
TO SUBMIT A BALLOT QUESTION TO THE ELECTORS *AND*
Declaring an Emergency

WHEREAS, under Section 4928.20, Ohio Revised Code, the Village of New Lexington, Ohio (the "Village") is authorized to establish an opt-out electric aggregation program for the benefit of electric consumers located within the incorporated areas of the Village;

WHEREAS, under Section 4928.20, Ohio Revised Code, the Village 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 VILLAGE OF NEW LEXINGTON, COUNTY OF PERRY, AND STATE OF OHIO, THAT:

SECTION 1. This Village Council finds and determines that it is in the best interest of the Village and certain electric consumers located within the incorporated areas of the Village to establish an opt-out electric aggregation program (the "Electric Aggregation Program"). Provided that this Ordinance and the Electric Aggregation Program is approved by the electors of the Village pursuant to Section 2 of this Ordinance, the Village is hereby authorized to aggregate, in accordance with Section 4928.20, Ohio Revised Code, the retail electric loads located within the incorporated areas of the Village. For the Electric Aggregation Program, the Village may enter into service agreements to facilitate the sale and purchase of service for retail electric loads. The Village may exercise such authority jointly with any other political subdivision of the State of Ohio and through the Southeast Ohio Public Energy Council ("SOPEC"), a political subdivision of the State of Ohio, to the full extent permitted by law, and for such purpose, any Village officers are hereby authorized to execute and deliver a council of governments agreement with SOPEC in order to establish the Electric Aggregation Program through SOPEC. 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 Board of Elections of Perry County is hereby directed to submit the following question to the electors of the Village at the General Election on November 6, 2018:

Shall the Village of New Lexington have the authority to aggregate the retail electricity loads located within the incorporated areas of the Village and enter into service agreements for 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 to file a certified copy of this Ordinance and the proposed form of the ballot question with the Perry County Board of Elections not later than August 4, 2018, which is at least ninety (90) days prior to November 6, 2018. 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 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 primary election provided for in Section 2 of this Ordinance, the Village, jointly with SOPEC, shall develop a plan of operation and governance for the Electricity Aggregation Program (the "Plan"). Before adopting such Plan, SOPEC, on behalf of the 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. 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 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 Village, and for the further reason that this Ordinance is required to be immediately effective in order for the Village to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not later than August 4, 2018, as provided herein; wherefore, this Ordinance shall be in full force and effect immediately upon its adoption.

DATED ADOPTED: 7-16, 2018



President of Council

ATTEST:
this 16 day of July, 2018



Clerk of Council