

RECORD OF ORDINANCES

Ordinance No. 3733

Passed: July 12, 2022

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO AFFECT AN OPT-OUT ELECTRIC SERVICE AGGREGATION PROGRAM PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE CITY TO SUBMIT A BALLOT QUESTION TO THE ELECTORS, AND DECLARING AN EMERGENCY.

WHEREAS, under Section 4928.20 of the Ohio Revised Code, the City of West Carrollton, Ohio (the “City”) is authorized to establish an opt-out electric aggregation program for the benefit of electric consumers located within the incorporated areas of the City;

WHEREAS, under Section 4928.20 of the 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, but are not limited to, competitive electricity rates, increased consumer choice, increased demand for renewable energy to help grow the industry and workforce, and

WHEREAS, the City of West Carrollton is committed to pursuing governmental electric aggregation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, COUNTY OF MONTGOMERY, STATE OF OHIO:

SECTION 1: This City Council finds and determines that it is in the best interest of the City and certain electric consumers located within the incorporated areas of the City 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 City pursuant to Section 2 of this Ordinance, the City is hereby authorized to aggregate, in accordance with Section 4928.20 of the Ohio Revised Code, the retail electric loads located within the incorporated areas of the City. For the Electric Aggregation Program, the City may enter into service agreements to facilitate the sale and purchase of service for retail electric loads. The City may exercise such authority jointly with any other political subdivision of the State of Ohio to the full extent permitted by law.

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The aggregation will occur automatically for each qualified 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 Montgomery County is hereby directed to submit the following question to the electors of the City at the general election on November 8, 2022:

“Shall the City of West Carrollton have the authority to aggregate the retail electricity loads located within the incorporated areas of the City, and for that purpose, 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, in accordance with Section 4928.20 of the Ohio Revised Code?”

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 at least ninety (90) days prior to November 8, 2022. 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 of the Ohio Revised Code.

SECTION 3: Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Ordinance, the City, jointly with any other political subdivision, shall develop a plan of operation and governance for the Electric Aggregation Program (the “Plan”). Before adopting such Plan, the City shall hold at least two public hearings on the Plan. Before the first hearing, at a minimum, notice of the hearings shall be published once a week for two (2) 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. 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 Electric Aggregation Program the opportunity to opt-out of the program without paying a switching fee. Any such person that opts out of the Electric 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 of the Ohio Revised Code, until the person chooses an alternative supplier.

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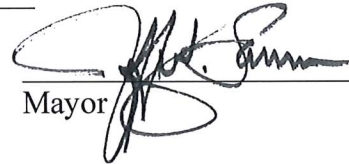
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SECTION 4: This City Council finds and determines that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council 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 the County Board of Elections not later than August 10, 2022 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: July 12, 2022


Mayor

Attest: Tom Reilly
Clerk of Council

Effective Date: July 12, 2022