

ORDINANCE NO. 66-16

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT AN OPT-OUT NATURAL GAS AGGREGATION PROGRAM FOR THE CITY OF ASHLAND, OHIO PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE ASHLAND COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS, AND DECLARING AN EMERGENCY.

Whereas, under Section 4929.26, Ohio Revised Code, the City of Ashland, Ohio (the "City") is authorized to establish an opt-out natural gas aggregation program for the benefit of natural gas consumers located within the incorporated areas of the City; and

Whereas, governmental aggregation provides an opportunity for residential and small business natural gas consumers to participate collectively in the potential benefits of natural gas deregulation through lower gas rates which they would not otherwise be able to have individually; and

Whereas, this Council 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 City, as permitted by law; and

Whereas, this Council desires to submit to the electors of the City the question of whether the City should create a gas aggregation program in accordance with Ohio Revised Code Section 4929.26; and

Whereas, while the adoption of such a program is expected to provide residents with the potential of natural gas savings, residents would retain the right to "opt-out" and make their own arrangements with natural gas providers; and

Whereas, a vote in favor of the ballot issue would enable the City to proceed with such a program, but would not commit the City to proceeding if the Council should then find that it is not in the best interests of the citizens; Now, Therefore,

Be It Ordained by the Council of the City of Ashland, State of Ohio 4 members thereto concurring:

Section 1. This Council finds and determines that it is in the best interest of the City of Ashland, its residents, qualifying businesses and other natural gas consumers located within the corporate limits of the City to establish a Natural Gas Aggregation Program in the City of Ashland, as authorized by Section 4929.26 of the Ohio Revised Code.

Section 2. The authority to proceed with the proposed Natural Gas Aggregation Program must be approved by the electors of the City, pursuant to section 3 of this Ordinance. Upon approval by the electorate, the City of Ashland is hereby authorized to automatically aggregate, in accordance with Section 4929.26, Ohio Revised Code, and the Rules of the Public Utilities

Commission of Ohio, the sale and purchase of retail natural gas loads of customers located within the City of Ashland, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas, and to take any other actions necessary to accomplish the same. Such 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 opt-out rights which, at a minimum, satisfy the requirements of Section 4929.26 of the Revised Code. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law.

Section 3. The Board of Elections of Ashland County is hereby directed to submit the following question to the electors of the City of Ashland at the primary election to be held on November 8, 2016:

Shall the City of Ashland have the authority to aggregate the competitive retail natural gas service for the retail natural gas loads for customer located in the City of Ashland and, for that purpose, to enter into services agreement to facilitate for those customers for the sale and purchase of natural gas (conversion to aggregation program will occur automatically unless the customers choose to opt out of the program)?

A majority vote is necessary for passage.

	YES-FOR THE MEASURE
	NO-AGAINST THE MEASURE

The Clerk of Council of the City of Ashland is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the Ashland County Board of Elections not less than ninety (90) days prior to November 8, 2016. The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this Section and Section 4929.26 of the Ohio Revised Code.

Section 4. Upon the approval of a majority of the electors voting at the election provided for in Section 3 of this Ordinance, this Council individually or jointly with any other political subdivision, shall comply with all requirements of the Ohio Public Utilities Commission and 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.

Notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City prior to the first hearing. 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 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 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 two years without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under of Section 4929.26, Ohio Revised Code, until the person chooses an alternative supplier.

Section 5. That it is found that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, or safety, and for the welfare of the citizens of the City, and for the further reason that it is necessary that this measure be enacted immediately in order to comply with time deadlines for filing with the Board of Elections, and that, provided it receives the majority vote of two-thirds or more of those elected to Council, this Ordinance shall therefore take effect and be in force immediately from and after its passage.

Passed: July 5th, 2016



Ruth G Detrow, President of Council

Attest: Jodi M Toms
Jodi M Toms, Clerk of Council

Approved: Glen P. Stewart
Glen P. Stewart, Mayor

Approved as to form and correctness:

Richard P. Wolfe II
Richard P. Wolfe II, Director of Law

Date: July 5th, 2016