

First Reading: February 4, 2014  
Second Reading: Dispensed

RESOLUTION NO. 2014 - 04

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRIC TOWNSHIP AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF SYCAMORE TOWNSHIP, DISPENSING WITH THE SECOND READING, AND DECLARING AN EMERGENCY**

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, pursuant to Section 4928.20 of the Ohio Revised Code, subject to opt-out provisions, competitive electric service for the retail electric loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the electricity loads; and

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

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

**WHEREAS**, the Board of Township Trustees of Sycamore Township seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code (the "Aggregation Program") for the residents, businesses and other electric consumers in Sycamore Township and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Township Trustees of Sycamore Township, State of Ohio:

**SECTION 1.**

The Board of Township Trustees of Sycamore Township finds and determines that it is in the best interest of Sycamore Township, its residents, businesses and other electric consumers located within the political boundaries of Sycamore Township to establish the Aggregation Program in Sycamore Township. Provided that this Resolution and the Aggregation Program is approved by the electors of Sycamore Township pursuant to Section 2 of this Resolution, Sycamore Township is hereby

authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within Sycamore Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. Sycamore Township 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. 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 Hamilton County Board of Elections is hereby directed to submit the following question to the electors of Sycamore Township at the primary election on May 6, 2014.

“Shall Sycamore Township have the authority to aggregate the retail electric loads located in the Township, 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?”

The Fiscal Officer of Sycamore Township is directed to immediately file a certified copy of this Resolution and the proposed form of the ballot question with the Hamilton County Board of Elections not less than ninety (90) days prior to May 6, 2014. 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 of the Ohio Revised Code.

**SECTION 3.**

Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Resolution, this Board of Trustees individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Board of Trustees 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 Sycamore Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Trustees shall aggregate the electrical load of any electric load center within Sycamore 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 every three 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 Section 4928.14 or division (D) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

**SECTION 4.**

This Board of Trustees finds and determines that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board of Trustees and that all deliberations of this Board of Trustees and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5.**

Notice of the adoption of this Resolution shall be given once by publishing the title of the Resolution in an abstract prepared by the Township Administrator or Solicitor in Sycamore Township, Ohio.

**SECTION 6.**

The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with any requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

**SECTION 7.**

This resolution shall take effect immediately.

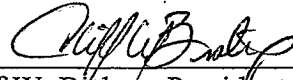
**SECTION 8.**

Upon the unanimous vote of the Sycamore Township Trustees, this Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and welfare of Sycamore Township. The reason for the emergency is to provide for a timely filing with the Hamilton County Board of Elections for the issue to be placed on the ballot at the May 6, 2014 primary election.

**VOTE RECORD:**

Mr. Bishop Aye Mr. Connor Aye Mr. Weidman Aye

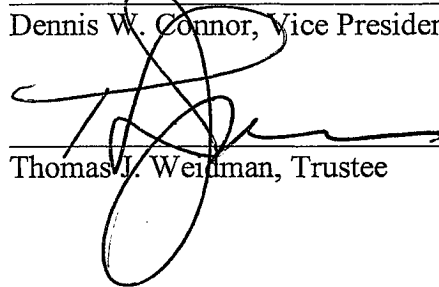
Passed at a meeting of the Board of Township Trustees of Sycamore Township this 4th day of February, 2014.



Cliff W. Bishop, President



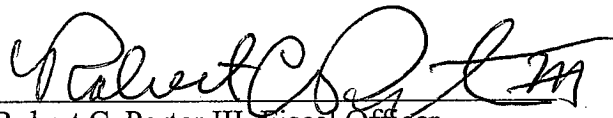
Dennis W. Connor, Vice President



Thomas J. Weidman, Trustee

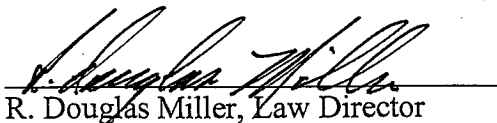
**AUTHENTICATION**

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 4<sup>th</sup> day of February, 2014.



Robert C. Porter III, Fiscal Officer  
Sycamore Township, Ohio

**APPROVED AS TO FORM:**



R. Douglas Miller, Law Director