RESOLUTION NO. 2008 - <u>65</u>

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO CREATE A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE; DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS; DISPENSING WITH THE SECOND READING AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation, which authorizes the legislative authorities of municipal corporations, townships, and counties to aggregate automatically, pursuant to Section 4929.26 of the Ohio Revised Code, subject to opt-out provisions, competitive retail natural gas service for the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the natural gas loads; and

WHEREAS, such legislative authorities may exercise such authority individually or 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 natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and

WHEREAS, this Board seeks to establish a governmental aggregation program with opt out provisions pursuant to Section 4929.26 of the Ohio Revised Code (the "Aggregation Program"), for the residents, businesses, and other natural gas customers in sycamore Township and in conjunction with any other municipal corporation, township, county, or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, this Board desires to proceed with the submission of the question to the electors of Sycamore Township;

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

SECTION 1.   The Board finds and determines that it is in the best interest of Sycamore Township, its residents, businesses, and other natural gas consumers located within the township limits of Sycamore Township, Ohio, to establish the Aggregation Program in Sycamore Township. Provided that

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 automatically in accordance with Section 4929.26 of the Ohio Revised Code, competitive retail natural gas service for the retail natural gas loads located within Sycamore Township, and, for that purpose, to enter into service agreements to facilitate the sale and purchase of the service for the retail natural gas loads. Sycamore Township may exercise such authority jointly with any other municipal corporation, township, or county 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 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, Ohio, is hereby directed to submit the following question to the electors of Sycamore Township at the next general election to be held on November 4, 2008. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this issue at the election held pursuant to this Resolution and Section 4929.26 of the Ohio Revised Code.

The form of the ballot to be used in the November 4, 2008 general election shall be substantially as follows:

**PROPOSED GAS AGGREGATION PROGRAM
SYCAMORE TOWNSHIP, OHIO**

A majority affirmative vote is necessary for passage.

Shall Sycamore Township, County of Hamilton, Ohio, have the authority to aggregate the retail natural gas loads located in Sycamore Township, and 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?

FOR THE GAS AGGREGATION PROPOSAL

AGAINST THE GAS AGGREGATION PROPOSAL

SECTION 3.   Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Resolution, the Board, individually or jointly with any other political subdivisions, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such a plan, this Board 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 shall aggregate any retail natural gas load located within Sycamore Township unless it in advance clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the aggregation 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 the opportunity to opt out of the aggregation every two years, without paying a switching fee. Any such person who opts out of the aggregation pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

SECTION 4. This Resolution is adopted pursuant to the authority conferred by Section 4929.26 of the Ohio Revised Code.

SECTION 5. Upon passage of this Resolution, the Township Fiscal Officer shall certify a copy of it to the Hamilton County Board of Elections no later than seventy-five (75) days prior to the general election to be held on November 4, 2008.

SECTION 6. All formal actions of the Board of Township Trustees of Sycamore Township relating to the adoption of this Resolution were taken in an open meeting, in accordance with Section 121.22 of the Ohio Revised Code.

SECTION 7. The Trustees of Sycamore Township upon at least a majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.
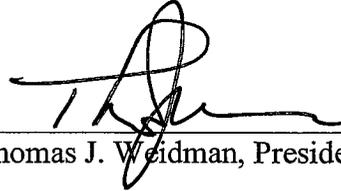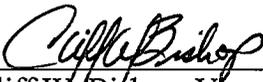
SECTION 7. This Resolution is hereby declared to be an emergency measure necessary for immediate preservation of the health, safety and welfare of the citizens of Sycamore Township and shall take effect immediately. The reason for the emergency is to meet the filing deadline with the Hamilton County Board of Elections.
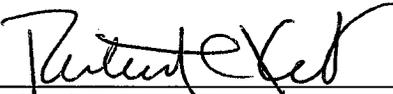
VOTE RECORD:

Mr. Bishop *YES*   Mr. Kent *YES*   Mr. Weidman *YES*

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 7th day of August, 2008.

_____
Thomas J. Weidman, President

_____
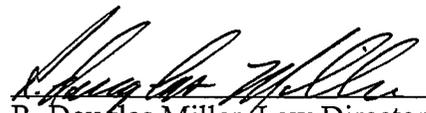Cliff W. Bishop, Vice President

_____
Richard C. Kent, Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 7th day of August, 2008.
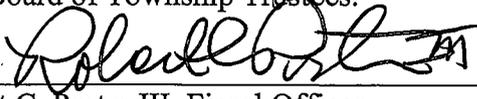
_____
Robert C. Porter III, Fiscal Officer
Sycamore Township, Ohio

APPROVED AS TO FORM:

_____
R. Douglas Miller, Law Director

Localgovernment/Sycamore/Resolutions/2008/NaturalGasAggregationProgram

PROOF OF PUBLICATION

I hereby certify that I have published this Resolution on _August 12, 2008_ by posting in five public places as established by the Board of Township Trustees.

Robert C. Porter III, Fiscal Officer