

BEFORE THE BOARD OF OTTAWA COUNTY COMMISSIONERS

RESOLUTION No.22-39

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE OTTAWA COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

The Board of County Commissioners of the County of Ottawa, Ohio met in regular session on July 26, 2022, with the following members present:

Mark E. Coppeler

Mark W. Stahl

Donald A. Douglas

Commissioner Stahl introduced the following resolution and moved its adoption:

WHEREAS, the Ohio legislature has enacted natural gas deregulation legislation which authorizes the legislative authorities of cities and Boards to aggregate the retail natural gas loads located within the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

WHEREAS, governmental aggregations provide an opportunity for residential and small business consumers to participate collectively in the potential benefits of natural gas deregulation through lower natural gas rates which would not otherwise be available to those natural gas customers individually, and

WHEREAS, the Ottawa County Board of Commissioners seek to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26 of the Ohio Revised Code for the residents, businesses and other natural gas consumers in the County.

NOW, THEREFORE, BE IT RESOLVED by the Ottawa County Board of Commissioners, State of Ohio:

Section 1. BEST INTERESTS OF THE COUNTY

The Ottawa County Board of Commissioners has concluded that it is in the best interest of the County, its residents and businesses located within the corporate limits of the County to establish this aggregation program in the County.

Section 2. APPROVAL BY THE ELECTORATE

The aggregation program must be approved by the electors of the County pursuant to Section 3 of this Resolution. Upon approval by the electorate the County is hereby authorized to automatically aggregate, in accord with Section 4929.26 of the Ohio Revised Code, the retail natural gas loads (customers) located within the County, and enter into service agreements to facilitate for those loads the purchase and sale of natural gas. The County may exercise such authority jointly with any other municipal corporation, township, or county or other political subdivision of the State of Ohio.

Section 3. BALLOT LANGUAGE

The Ottawa County Board of Elections is hereby directed to submit the following question to the electors of at the general election on November 8, 2022:

Shall the Board of Commissioners of Ottawa County have the authority to aggregate the retail natural gas customers located in the unincorporated areas of the County, and for that purpose, enter into services agreements to facilitate for those customers the sale and purchase of natural gas, conversion to the aggregation program will occur automatically unless the customers choose to opt out of the program.

The Clerk of the Board of Ottawa County is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Ottawa County Board of Elections not less than ninety days prior to the general election. 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 of this resolution and Section 4929.26 of the Ohio Revised Code.

Section 4. PROCEDURE AFTER AN AFFIRMATIVE VOTE; HEARINGS AND NOTICE OF HEARINGS; OPT-OUT RIGHTS.

Upon approval of a majority of the electors voting at the general election provided for in Section 3 of this Resolution, the Ottawa County Board of Commissioners, individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Ottawa County Board of Commissioners 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 County prior to the first hearing. The notice will summarize the plan and state the date, time and place of each hearing. No plan adopted by this

County Board shall aggregate the natural gas load of any natural gas load center within the County 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 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 once every two years without paying a switching fee. Any person that opts out of the Aggregation Program pursuant to the state procedure shall default to the standard service offer provided under division (a) of Section 4929.26 of the Ohio Revised Code until the person choose an alternative supplier.

Section 5. OPEN MEETING FORMAL ACTIONS

It is hereby found and determined that all formal actions of this Ottawa County Board of Commissioners concerning and relating to the passage of this resolution were adopted in an open meeting of this Ottawa County Board of Commissioners and that the deliberations of this Ottawa County Board of Commissioners and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with the law.

Commissioner Douglas seconded the motion and the roll being called for adoption of the foregoing resolution, the vote thereon resulted as follows:

Vote on Motion: Mark E. Coppeler; yes; Mark W. Stahl, yes; Donald A. Douglas, yes.



County Administrator/Clerk
Board of County Commissioners,
Ottawa County, Ohio

Adopted: July 26, 2022

C: Board of Elections
Palmer Energy
CCAO – John Leutz