



ORDINANCE 2016-08 OF THE VILLAGE OF ASHVILLE



AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE (ORC), DIRECTING THE PICKAWAY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS FOR THE VILLAGE OF ASHVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation (“Am. Sub. S.B. No. 3”) which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purpose and sale of natural gas;

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

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;

WHEREAS, Council for the Village of Ashville seeks to establish a governmental aggregation program with opt-out provisions pursuant to R.C. 4929.26 (the “Aggregation Program”), for the residents, businesses and other natural gas consumers in the Village 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 ORDAINED BY THE COUNCIL OF THE VILLAGE OF ASHVILLE, STATE OF OHIO:

SECTION 1. Council for the Village of Ashville hereby finds and determines it is in the best interest of its residents, businesses, and other natural gas consumers located within the corporate limits of the Village to establish the Aggregation Program. Provided this Ordinance is adopted by Council and the Aggregation Program is approved by the electors of the Village of Ashville pursuant to Section 2 of this Ordinance, the Village of Ashville is hereby authorized to aggregate in accordance with R.C. 4929.26, the retail natural gas loads located within the Village, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Village 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 a natural gas 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 Pickaway County is hereby directed to submit the following question to the electors of the Village of Ashville at the General Election on November 8, 2016.

Shall the Village of Ashville have the authority to aggregate the retail natural gas loads located in the Village, and for that purpose, 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?

YES – FOR THE MEASURE

No – AGAINST THE MEASURE

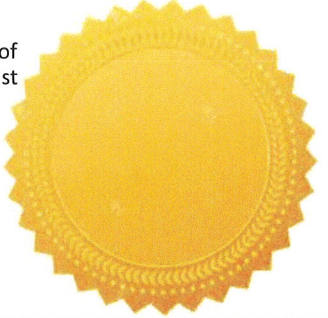
Prepared: 07/21/2016
Revised Date:
Review Date:

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of the ordinance adopted by the Village of Ashville Council held on 1st day of August 2016, and that I am duly authorized to execute this certificate.

(Original signature of April D. Grube)

Clerk-Fiscal Officer
(TITLE)



SECTION 3. The Village Clerk is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than ninety (90) days prior to General Election on November 8, 2016. The 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 2 and R.C. 4929.26.

SECTION 4. The Village Administrator and Fiscal Officer are hereby authorized and directed to enter into an agreement to help facilitate the Aggregation Program, pool the Village's residential and small business natural gas loads, and secure multiple competitive supplier bids. The Village Administrator is hereby authorized and directed to execute all documents necessary, and to take all action necessary, to effect the Aggregation Program.

SECTION 5. Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Ordinance, Council for the Village of Ashville, individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, the Village Council, and/or its representative 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 the Village. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by Council shall aggregate the natural gas load of any natural gas load center within the Village 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 two years without paying a penalty as set forth in rule 4901:28-04 of the Ohio Administrative Code.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the Village needs to forward a copy of this Ordinance to the Pickaway County Board of Elections no later than ninety days before the General Election on November 8, 2016. Wherefore, provided this Ordinance receives the required affirmative votes of Council, this Ordinance shall take effect and be in force immediately upon passage by Council and approval by the Mayor.

Offered by: Nelson R. Embrey

Seconded by: Brian M. Garvine

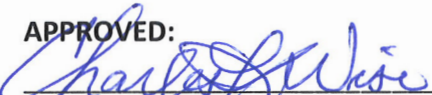
PASSED THIS 1st DAY OF AUGUST, 2016

ATTEST:


April D. Grube, Clerk-Fiscal Officer

DATE: 8/8/16

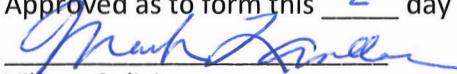
APPROVED:


Charles K. Wise, Mayor

DATE: 08 Aug 16

APPROVED:

Approved as to form this 2^d day of August, 2016:


Village Solicitor