

North Canton City Council
Ordinance, Rules and Claims Committee

Ordinance No. 28 - 2015

An ordinance authorizing all actions necessary to effect a governmental electricity aggregation program with opt-out provisions pursuant to R.C. 4928.20, and directing the Stark County Board of Elections to submit a ballot question to the electors, and declaring the same to be an emergency.

WHEREAS, the Ohio General Assembly has enacted electric deregulation legislation ("Am. Sub. S.B. No. 3"), which authorizes the legislative authorities of municipal corporations to aggregate the retail electrical loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of electricity;

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 that they would not otherwise be able to do individually;

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to R. C. 4928.20, (the "Aggregation Program"), for its City residents, businesses, and other electric consumers, and jointly with other Ohio political subdivisions as permitted by law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. This Council finds and determines that it is in the best interest of the City, its residents, businesses, and other electric consumers located within the City corporate limits, to establish an Aggregation Program. Provided that the Aggregation Program is approved by the electors of the City pursuant to Section 2 of this ordinance, the City is hereby authorized to aggregate, in accordance with R.C. 4928.20, the retail electrical loads located within the City, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City may also exercise such authority jointly with other Ohio political subdivisions using Independent Energy Consultants, Inc., an energy broker and aggregator certified by the Public Utilities Commission of Ohio. 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 4 of this Ordinance.

Section 2. That the Mayor is hereby authorized and directed to enter into the agreement, attached hereto, for energy consulting services, and other required services related to electric utility deregulation for the City of North Canton, and ratifying any such services heretofore performed under the terms and conditions of the agreement.

Section 3. The Board of Elections of Stark County is hereby directed to submit the following question to the electors of the City at the general election on November 3, 2015.

Shall the City of North Canton have the authority to aggregate the retail electric loads located in the City, 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, in accordance with Section 4928.20 of the Ohio Revised Code, and North Canton Ordinance No. 28 – 2015 adopted by City Council?

The Clerk of this Council is instructed immediately to file a certified copy of this ordinance and the proposed form of the ballot question with the Stark County Board of Elections not less than ninety (90) days prior to November 3, 2015. 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. 4928.20.

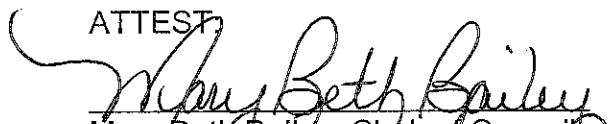
Section 4. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this ordinance, this Council, individually or jointly, through Independent Energy Consultants, Inc., shall develop a plan of operation and governance for an electric aggregation program. Before adopting such plan, this Council 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 City. 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 electrical load of any electric load center within the City unless in advance, the City 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 R. C. 4928.14 or division (d) of R.C. 4928.35, until the person chooses an alternative supplier.

Section 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton, and further necessary for time is of the essence to hold required two public hearings so the residents of the City of North Canton have the opportunity to give input on the aggregation program before it is placed on the ballot for the November 3, 2015 general election; wherefore, provided it receives the affirmative vote of six or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 11th day of May 2015


David Held, Mayor

Signed: 5-11, 2015

ATTEST

Mary Beth Bailey, Clerk of Council