

BEFORE THE VILLAGE COUNCIL OF THE VILLAGE OF KIRKERSVILLE

RESOLUTION No. 09-2023

PASSED: JUNE 7, 2023

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

WHEREAS, the Ohio legislature has enacted natural gas deregulation legislation which authorizes the legislative authorities of Village of Kirkersville 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 provides 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 Council of The Village of Kirkersville 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 Village.

NOW, THEREFORE, BE IT RESOLVED but the Council of The Village of Kirkersville, Licking County, State of Ohio:

Section 1. BEST INTERESTS OF THE VILLAGE OF KIRKERSVILLE

The Village Council of Kirkersville has concluded that it is in the best interest of the Village, its residents and businesses located within the corporate limits of the Village to establish this aggregation program in the Village.

Section 2. APPROVAL BY THE ELECTORATE

The aggregation program must be approved by the electors of the Village pursuant to Section 3 of this Resolution. Upon approval by the electorate the Village 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 Village, and enter into service agreements to facilitate for those loads the purchase and sale 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.

Section 3. BALLOT LANGUAGE

The Board of Elections of Licking County is hereby directed to submit the following question to the electors of at the general election on November 7th, 2023.

Shall the Village of Kirkersville have the authority to aggregate the retail natural gas customers located in the Village, 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 Council is instructed to immediately file a certified copy of this resolution and the proposed form of the ballot question with the Licking 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 Village Council of The Village of Kirkersville, individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Village Council of The Village of Kirkersville 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 Village 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 Village 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 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.

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

Date of Passage: June 7, 2023

_____CLERK OF COUNCIL

_____PRESIDENT OF COUNCIL