



Introduced: 1/3/2022  
Revised:  
Adopted:  
Effective:

## RESOLUTION NO. 2022-002

### **A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO R.C. 4928.20 AND DIRECTING THE LICKING COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS**

*WHEREAS*, the Ohio General Assembly enacted electric deregulation legislation which authorizes the City of Pataskala to aggregate the retail electrical loads located within the City and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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

*WHEREAS*, Council for the City of Pataskala wants to establish a governmental aggregation program with opt-out provisions pursuant to R.C. 4928.20 for the residents, businesses and other electric consumers in the City if the electorate approves such aggregation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS PRESENT CONCURRING THAT:**

Section 1: Council for the City of Pataskala concludes it is in the best interest of the City, its residents and businesses located within the corporate limits of the City to establish this aggregation program in the City of Pataskala.

Section 2: The aggregation program must be approved by the electors of the City pursuant to Section 3 of this Resolution. Upon approval by the electorate, the City is hereby authorized to automatically aggregate, in accord with R.C. 4928.20, the retail electric loads (customers) located within the City, and enter into service agreements to facilitate for those loads the purchase and sale of electricity. The City of Pataskala may exercise such authority jointly with any other municipal corporation, township, or county or other political subdivision of the State of Ohio.

Section 3: The Board of Elections of Licking County is hereby directed to submit the following question to the electors of City of Pataskala at the general election on May 3, 2022:

Shall the City of Pataskala have the authority to aggregate the retail electric customers located in the City, and for that purpose, enter into services agreements to facilitate for those customers the sale and purchase of electricity, 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 but not less than seventy-five days prior to the general election. The aggregation program shall not take effect unless approved by a majority of the electors voting upon the aggregation program provided for herein at the election held pursuant to this Section 3 and R.C. 4928.20.

Section 4: Upon approval of a majority of the electors voting at the general election provided for in Section 3 of this Resolution, Council for the City of Pataskala, individually or jointly with any other political subdivision, may develop a plan of operation for the aggregation program. Before adopting this plan, the Council for the City of Pataskala 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 City 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 the City of Pataskala shall aggregate the electric load of any electric load center within the City 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 three 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 R.C. 4928.35(a) until the person choose an alternative supplier.

Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision-making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 6: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:

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Kathy M. Hoskinson, Clerk of Council

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Michael W. Compton, Mayor

APPROVED AS TO FORM:

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Brian M. Zets, Law Director