

ORDINANCE NO.: 2017-30
SPONSOR: MAYOR NEUGEBAUER
INTRODUCED: DECEMBER 12, 2017 **ASSIGNED TO:** _____

AN EMERGENCY ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE NATURAL GAS AGGREGATION SUPPLY AGREEMENT WITH CONSTELLATION NEWENERGY GAS DIVISION, LLC TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND MARCH 31, 2018 WHEN THE CURRENT SUPPLY AGREEMENT ENDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of cities to aggregate the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

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 obtain individually; and

WHEREAS, City Council finds and determines that it is in the best interest of the City, its residents, businesses and other natural gas consumers located within the limits of the City to continue its Natural Gas Opt-Out Aggregation Program subject to the conditions of a Second Amendment to the Aggregation Natural Gas Supply Agreement that will take effect on or about April 1, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

City Council authorizes the Mayor to enter into a Second Amendment to Natural Gas Aggregation Supply Agreement with Constellation NewEnergy Gas Division, LLC., a copy of which is attached hereto and incorporated herein as Exhibit "A", to facilitate the sale and purchase of natural gas to consumers in the City's Opt-Out Program.

SECTION TWO:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meeting of this Council and any deliberations of this City and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION THREE:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green and for the further reason it is effective prior to December 21, 2017. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: _____

Molly Kapeluck, Clerk

Chris Humphrey, Council President

APPROVED: _____, 2017

Gerard Neugebauer, Mayor

ENACTED EFFECTIVE: _____, 2017

ON ROLL CALL:	Ahlstrom	Dyer	Knodel	Humphrey
	Speight	Summerville		Young

Suburbanite publication on _____ and _____

Molly Kapeluck, Clerk

12/07/2017 Approved as to form and content by Diane Calta, Law Director _____