

RESOLUTION 2002-050

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Northfield Center Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Northfield Center 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 County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Northfield Center, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Northfield Center to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Northfield Center the following question at the primary election on May 7, 2002:

Shall the Township of Northfield Center have the authority to aggregate the retail natural gas loads in the Township of Northfield Center, 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, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-050 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

**SECTION 3** Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

**SECTION 4** This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5** Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Green

DEPUTY CLERK OF COUNCIL

Kenneth J. Burns  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

James B. Burns  
EXECUTIVE  
ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Haydon,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-052

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Callahan & Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Twinsburg Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Twinsburg 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 County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Twinsburg, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Twinsburg to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Twinsburg the following question at the primary election on May 7, 2002:

Shall the Township of Twinsburg have the authority to aggregate the retail natural gas loads in the Township of Twinsburg, 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, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-052 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

SECTION 3 Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Shur  
DEPUTY CLERK OF COUNCIL

Kim H. Buser  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

Jim D. Buser  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydon,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-053

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Boston Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Boston 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 County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Boston, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Boston to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Boston the following question at the primary election on May 7, 2002:

Shall the Township of Boston have the authority to aggregate the retail natural gas loads in the Township of Boston, and for that purpose, enter into service agreements to facilitate for those

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loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-053 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

SECTION 3 Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.



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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Sherr

DEPUTY CLERK OF COUNCIL

Ken Bulfinch

PRESIDENT OF COUNCIL

APPROVED February 12, 2002

Jim D. B.

EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-054

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Coventry Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Coventry 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 County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Coventry, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Coventry to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Coventry the following question at the primary election on May 7, 2002:

Shall the Township of Coventry have the authority to aggregate the retail natural gas loads in the Township of Coventry, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur

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automatically except where any person elects to opt out, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-054 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

SECTION 3 Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

SECTION 4 This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5 Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Shue  
DEPUTY CLERK OF COUNCIL

Kimberly A. Burns  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

Jim D. [Signature]  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-055

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Springfield Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Springfield 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 County of Summit, State of Ohio, that:

**SECTION 1** This Council finds and determines that it is in the best interest of the Township of Springfield, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Springfield to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

**SECTION 2** The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Springfield the following question at the primary election on May 7, 2002:

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Shall the Township of Springfield have the authority to aggregate the retail natural gas loads in the Township of Springfield, 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, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-055 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

**SECTION 3** Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

**SECTION 4** This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5** Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Shaw  
DEPUTY CLERK OF COUNCIL

Kimberly B. Burt  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

Jim B. Burt  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

Summit County  
Exhibit B-1  
"Authorizing Ordinance"

RESOLUTION 2002-056

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Smith, Mr. Crawford,  
Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Copley Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Copley 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 County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Copley, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Copley to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Copley the following question at the primary election on May 7, 2002:



Shall the Township of Copley have the authority to aggregate the retail natural gas loads in the Township of Copley, 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, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-056 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

**SECTION 3** Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

**SECTION 4** This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5** Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Green  
DEPUTY CLERK OF COUNCIL

Kenneth J. Burns  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

John D. B. [Signature]  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION 2002-057

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Callahan & Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Franklin Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Franklin 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 County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Franklin, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Franklin to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Franklin the following question at the primary election on May 7, 2002:

Shall the Township of Franklin have the authority to aggregate the retail natural gas loads in the Township of Franklin, 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, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-057 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

**SECTION 3** Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

**SECTION 4** This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5** Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Shaw  
DEPUTY CLERK OF COUNCIL

Kimball Burns  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

Jim B. B.  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydon,  
King, Norris, Smith, Teodosio, Zurz

Summit County  
Exhibit B - 1  
"Authorizing Ordinance"

RESOLUTION 2002-092

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. King, Mr. Callahan & Mr. Teodosio

DATE February 11, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of Richfield Township.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislature 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Township of Richfield 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 County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Township of Richfield, its residents, businesses and other natural gas consumers located within the corporate limits of the Township of Richfield to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The Township 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Township of Richfield the following question at the primary election on May 7, 2002:

Shall the Township of Richfield have the authority to aggregate the retail natural gas loads in the Township of Richfield, and for that purpose, enter into service agreements to facilitate for those

Resolution No. 2002-092

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loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-092 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

**SECTION 3** Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Township. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within the Township 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

**SECTION 4** This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5** Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED January 28, 2002

ADOPTED February 11, 2002

Shirley F. Sherr  
DEPUTY CLERK OF COUNCIL

Kenneth J. Burns  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

John B. [Signature]  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland Gallagher, Heydom,  
King, Norris, Smith, Teodosio, Zurz



RESOLUTION 2002-108

SPONSOR Mr. McCarthy, Mrs. Zurz, Mr. Callahan & Mr. Teodosio

DATE February 12, 2002

A Resolution authorizing all action necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to section 4929.26, Ohio Revised Code, directing the Summit County Board of Elections to submit to the electors of New Franklin Village.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations, Villages, 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 purchase and sale of natural gas; and

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

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-provisions pursuant to section 4929.26, Ohio Revised Code "the Aggregation Program," for the residents, businesses and other natural gas customers in the Village of New Franklin and in conjunction jointly with any other municipal corporation, Village, county or other political subdivision of the State of Ohio, as permitted by law.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1 This Council finds and determines that it is in the best interest of the Village of New Franklin, its residents, businesses and other natural gas consumers located within the corporate limits of the Village of New Franklin to establish the Aggregation Program in the Village. Provided that this Resolution and the Aggregation Program is approved by the electors of the Village pursuant to Section 2 of this Resolution, the Village is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, 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, Village, 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 Resolution.

SECTION 2 The Board of Elections of Summit County is hereby directed to submit to the electors of the Village of New Franklin the following question at the primary election on May 7, 2002:

Shall the Village of New Franklin have the authority to aggregate the retail natural gas loads in the Village of New Franklin, and for that purpose, enter into service agreements to facilitate for those

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loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4929.26 of the Ohio Revised Code, and Resolution 2002-057 adopted by Summit County Council?

The Clerk of this Council is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to the May 7, 2002. The Aggregation Program shall not take effect unless approved by a majority of electors voting upon this Resolution and the Aggregation Program provided for herein at the election pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

**SECTION 3** Upon the approval of a majority of the electors voting at the primary election provided for in Section 2 of this Resolution, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the 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 Village. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this 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 the enrollment. The state procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two 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 divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

**SECTION 4** This Council finds and determines that all formal actions of the Resolution concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION 5** Provided this resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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INTRODUCED February 11, 2002

ADOPTED February 11, 2002

Shirley F. Chen  
DEPUTY CLERK OF COUNCIL

Kimberly B. Burn  
PRESIDENT OF COUNCIL

APPROVED February 12, 2002

John D. B.  
EXECUTIVE

ENACTED EFFECTIVE March 13, 2002

ON VOICE VOTE: YES: Callahan, Congrove, Crawford, Crossland, Gallagher, Heydorn,  
King, Norris, Smith, Teodosio, Zurz

RESOLUTION NO. 2004-353

SPONSOR Mr. McCarthy and Mr. King

DATE June 28, 2004

An amended Resolution submitting to the electors of Bath Township at the November 2, 2004, general election the question of whether Bath Township should have the authority to aggregate the retail natural gas loads in Bath Township, 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, for the Executive, and declaring an emergency.

WHEREAS, Section 4929.26 of the Ohio Revised Code 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 purchase and sale of natural gas; and

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

WHEREAS, this Council previously enacted legislation placing upon the ballot at the May 7, 2002 primary election in the townships of Northfield Center, Twinsburg, Coventry, Springfield, Copley, Franklin, Richfield, Twinsburg and the Village of New Franklin the question of whether they should have the authority to aggregate their retail natural gas loads and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas and further, that such aggregation would occur automatically except where any person elects to opt out, as provided by Section 4929.26 of the Ohio Revised Code; and

WHEREAS, at the May 7, 2002, primary election, the voters of all of the aforementioned political subdivisions approved their respective opt-out natural gas aggregation ballot measures; and

WHEREAS, the County of Summit is certified with the Public Utilities Commission of Ohio as a governmental aggregator and has implemented its natural gas aggregation program in the aforementioned political subdivisions; and

WHEREAS, the Board of Trustees of Bath Township has adopted Resolution 2004-35, attached hereto as Exhibit A and incorporated herein as if fully restated, which requests that the County take the actions necessary to include Bath Township in the County's Natural Gas Aggregation Program;

RESOLUTION NO. 2004-353  
PAGE TWO

WHEREAS, this Council has determined by reviewing all pertinent information, that submitting to the electors of Bath Township at the November 2, 2004, general election the question of whether Bath Township should have the authority to aggregate the retail natural gas loads in Bath Township, 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, and taking all actions necessary to include Bath Township in the County's Natural Gas Aggregation Program, is necessary and in the best interest of the County of Summit;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State of Ohio, two-thirds of all members concurring, that:

#### SECTION 1

This Council finds and determines that it is in the best interest of Bath Township, its residents, businesses and other natural gas consumers located within the corporate limits of Bath Township to establish the County of Summit's Natural Gas Aggregation Program in Bath Township. Provided that the aggregation of natural gas is approved by the electors of Bath Township pursuant to Section 3 of this Resolution, Bath Township is hereby authorized to aggregate in accordance with Section 4929.26 of Ohio Revised Code, the retail natural gas loads located within Bath Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. Bath Township 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. Such 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 4 of this Resolution.

#### SECTION 2

The question of whether Bath Township should have the authority to aggregate the retail natural gas loads in Bath Township, 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, shall be submitted under the provisions of Section 4929.26 of the Ohio Revised Code to the electors of Bath Township at the election to be held therein on November 2, 2004, as authorized by law. The election shall be held at the regular places of voting in the County as established by the Board of Elections of the County of Summit, Ohio, or otherwise, within the time provided by law and shall be conducted, canvassed and certified in the manner provided by law.

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SECTION 3

The ballot form for this question shall be substantially as follows:

PROPOSED GAS AGGREGATION  
BATH TOWNSHIP

A majority affirmative vote is necessary for passage.  
(Vote ballot with "X")

Shall Bath Township have the authority to aggregate the retail natural gas loads in Bath Township, 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

☐ NO

SECTION 4

Upon the approval of a majority of the electors of Bath Township voting at the general election provided for in Section 3 of this Resolution, the County of Summit will take all actions necessary to include Bath Township in the County's Natural Gas Aggregation Program and in its Plan of Operation and Governance. Before amending the Plan to include Bath Township, this Council shall hold at least two public hearings on the proposed amended 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. The notice shall summarize the plan and state the date, time, and location of the hearing. No plan adopted by this Council shall aggregate the natural gas load of any natural gas load center within Bath Township 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 Natural Gas 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 the enrollment. The state procedure shall allow any person enrolled in the Natural Gas Aggregation Program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the Natural Gas Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, the standard service offer provided under divisions (a) of Section 4928.14 of division (d) of Section 4928.35, Ohio Revised Code, until the person chooses an alternative supplier.

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SECTION 5

The Clerk of Council is authorized and directed to certify a copy of this Resolution to the Board of Elections of Summit County not later than August 19, 2004. This Council requests that the Board of Elections of Summit County give notice of the election and prepare the necessary ballots and supplies for the election in accordance with law.

SECTION 6

This Resolution is hereby declared an emergency in order to submit to the electors of Bath Township the question of natural gas aggregation at the November 2, 2004, general election in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to permit Bath Township to aggregate natural gas and to be included in the County of Summit's Natural Gas Aggregation Program.

SECTION 7

Provided this Resolution receives the affirmative vote of eight (8) members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 8

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


INTRODUCED June 21, 2004

ADOPTED June 28, 2004

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED June 30, 2004

  
EXECUTIVE

June 30, 2004  
ENACTED EFFECTIVE

VOICE VOTE: YES: Callahan, Crawford, Crossland, Dickinson Gallagher, King,  
Schrader, Smith and Teodosio ABSENT: Congrove and Heydorn