

RECORD OF ORDINANCES

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03-1504-EL-GAG 3

Dayton Legal Blank Co.

Form No. 30013

Ordinance No. 2-2003

Passed FEBRUARY 17, 2003

YEAR

FILE

TITLE: SUBMISSION OF BALLOT QUESTION TO STARK COUNTY BOARD OF ELECTIONS - ELECTRICITY AGGREGATE

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS, PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, 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 Legislature has enacted electric deregulation legislation ("Am. Sub. S.B. No. 3") which authorizes the legislative authorities of municipal corporations, townships and counties 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; 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 electricity deregulation through lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, This Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers in the Village 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 VILLAGE OF NAVARRE, STATE OF OHIO, THAT:

SECTION 1: This Council finds and determines that it is in the best interest of the Village, its residents, businesses and other electric consumers located within the corporate limits of the Village to establish the Aggregation Program in the Village. Provided that this Ordinance and the Aggregation Program is approved by the electors of the Village pursuant to SECTION 2 of this Ordinance, the Village is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within the Village, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The Village 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 an electric load center proposed to be aggregated and will provide for the opt-out rights described in SECTION 3 of this Ordinance.

SECTION 2: The Board of Elections of Stark County is hereby directed to submit the following question to the electors of the Village at the primary election on May 6, 2003:

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PUCO

Denton Legal/Blank Co.

Form No. 30042

Ordinance No. _____

Passed _____

YEAR _____

Shall the Village of Navarre have the authority to aggregate the retail electric loads located in the Village, 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?

The Village Clerk-Treasurer 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 seventy-five (75) days prior to May 6, 2003. 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 Section 4928.20, Ohio Revised Code.

SECTION 3: Upon approval of a majority of the electors voting at the primary election provided for in SECTION 2 of this Ordinance, this Council individually or jointly with any other political subdivision, may 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 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 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 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 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 division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning the relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 5: This Ordinance is hereby declared to be an emergency ordinance as it is of immediate necessity to the health, safety and welfare of the residents of the Village of Navarre, Stark County, Ohio, that this Ordinance, which includes a ballot question, be enacted immediately. The reason for the emergency is that a certified copy of this Ordinance and the proposed form of the ballot question must be filed with the Board of Elections of Stark County, Ohio not later than seventy-five (75) days prior to the May 6, 2003 election, and this deadline occurs at 4:00 P.M. on Friday, February 20, 2003. Therefore, this Ordinance shall take effect immediately upon its passage by Council, and signature of the Mayor, as provided for by Ohio Revised Code, Sections 731.17 and 731.30.

Passed (as an emergency and under suspension of rules):
 February 17, 2003.

Norton Legal Clerk Co.

Form No. 30013


Ordinance No. 2-2003

Passed FEBRUARY 17 2003

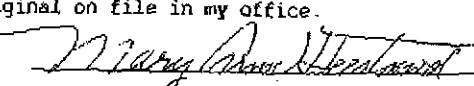
YEAR


ROBERT L. BENSON, MAYOR

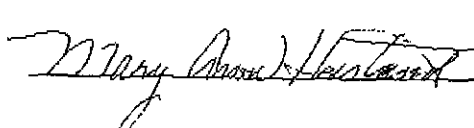
ATTEST:


MARY ANN HEESTAND, CLERK-TREASURER

I, Mary Ann Heestand, Clerk-Treasurer for the Village of Navarre, Ohio, do hereby certify that the foregoing is a true copy of ORDINANCE duly passed and adopted by the Council of the Village of Navarre on the 17TH DAY OF FEB. 2003 as compared by me with the original on file in my office.


I, Mary Ann Heestand, Clerk-Treasurer for the Village of Navarre, Ohio, do hereby certify that there is no newspaper in said Village and that publication of the above ORDINANCE was duly made by posting one copy thereof at each of the five places designated by Council and that said ORDINANCE will remain posted for at least fifteen days thereafter.

Village Auto Parts, Sky Bank, Navarre Post Office,
Surbey Feed & Supply, Village Clean Laundromat


I hereby certify that the foregoing is a true and correct copy of Ordinance #2-2003 as taken from the records on file in the office of the Clerk-Treasurer of the Village of Navarre.

