

HAMILTON TOWNSHIP, WARREN COUNTY OHIO

RESOLUTION NUMBER 11-0803

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL RETAIL ELECTRIC LOADS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, DIRECTING THE WARREN COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH AN APPROVED ENERGY BROKER AND AGGREGATOR CERTIFIED BY THE PUBLIC UTILITIES COMMISSION OF OHIO, FOR SUCH PURPOSES AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Legislature has enacted legislation (R.C. 4928.20) which authorizes the Board of Trustees of Hamilton Township to aggregate the retail electric 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, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of lower electric rates which they would not otherwise be able to have individually; and

WHEREAS, this Board of Trustees 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 Township, as permitted by law.

NOW, THEREFORE, BE IT RESOLVED, by the Township Trustees of Hamilton Township, Warren County, Ohio:

SECTION 1. This Board of Trustees finds and determines that it is in the best interest of the Township, its residents, businesses and other electric consumers located within the limits of the Township to establish the Electric Loads Aggregation Program in the Township. Provided that this Resolution and the Electric Loads 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 4928.20, Ohio Revised Code, the retail electric loads located within the Township, and, for that purpose, to enter into service agreements to facilitate the sale and purchase of the service for the retail electric loads. The Township may exercise such authority using an energy broker and aggregator certified by the Public Utilities Commission 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 Resolution.

SECTION 2. The Board of Elections of Warren County is hereby directed to submit the following question to the electors of the Township at the general election on November 8, 2011.

<p>PROPOSED ELECTRIC AGGREGATION</p> <p>TOWNSHIP OF HAMILTON</p> <p>A majority affirmative vote is necessary for passage</p>	
<p>Shall the Township of Hamilton have the authority to aggregate the retail electric loads located in the Township of Hamilton, 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, all in accordance with Section 4928.20 of the Ohio Revised Code?</p>	
	YES
	NO

The Fiscal Officer of this Board of Trustees 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 ninety (90) days prior to November 8, 2011. The Electric Loads Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Electric Loads Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20, Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Resolution, this Board of Trustees through an the approved energy broker and aggregator certified by the Public Utilities Commission of Ohio, shall develop a plan of operation and governance for the Electric Loads Aggregation Program. Before adopting such plan, this Board of Trustees or the selected aggregator, on behalf of this Board of Trustees, 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 each hearing. No plan adopted by this Board of Trustees shall aggregate the electric load of any electric 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 Electric Loads 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 Electric Loads Aggregation Program the opportunity to opt out of the program at least every three years, without penalty or switching fee. Any such person

that opts out of the Electric Loads Aggregation Program shall default to the utility's standard service offer provided under Section 4928.35, Ohio Revised Code, unless and until that person chooses a competitive retail electric supplier.

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

SECTION 5. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Township, and for the further reason that this Resolution is required to be immediately effective in order to file a certified copy of this Resolution and the proposed form of the ballot question with the Board of Elections of Warren County not later than ninety (90) days prior to the November 8, 2011 election, as provided herein; wherefore, this Resolution shall be in full force and effect immediately upon its adoption.

M_____, _____ moved for the approval of the foregoing Resolution. M_____, _____ seconded the Resolution, and the following being called upon the question of its adoption, the vote resulted as follows:

Kurt Weber – Aye _____ Nay _____
Eugene Duvelius – Aye _____ Nay _____
Becky Ehling – Aye _____ Nay _____

Resolution adopted this ____ day of _____, 2011.

Jacqueline Terwilleger, Fiscal Officer

Approved as to form.

Warren J. Ritchie, Law Director

I, Jacqueline Terwilleger, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Trustees of Hamilton Township, County of Warren, Ohio, at its regularly scheduled meeting on August 3, 2011.

Date: _____

Jacqueline Terwilleger, Fiscal Officer