

Village of Crooksville, Ohio

ORDINANCE NO. 2740

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE PERRY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS OF THE VILLAGE OF CROOKSVILLE AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation which authorizes the legislative authorities of municipal corporations, Village and counties to aggregate automatically, pursuant to Section 4929.26 of the Ohio Revised Code, subject to opt-out provisions, the retail natural gas service located in the respective jurisdictions and to enter into service agreements to facilitate the sale of the natural gas loads; 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-out provisions pursuant to Section 4929.26, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other natural gas consumers in the Village of Crooksville 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 Village Council of the Village of Crooksville, Perry County, State of Ohio, that:

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

SECTION 2. The Board of Elections of Perry County is hereby directed to submit the following question to the electors of the Crooksville, Ohio at the general election on November 5, 2024.

Shall the Village of Crooksville have the authority to aggregate the retail natural gas loads and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas, including to 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, such aggregation to occur automatically for each person owning, occupying, controlling, or using natural gas proposed to be aggregated, except for those who opt-out pursuant rights described in Section 3 of this Ordinance.

The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this issue at the election held pursuant to this ordinance and Section 4929.26 of the Ohio Revised Code.

The form of the ballot to be used in the November 5, 2024, election shall be substantially as follows:

Shall the Village of Crooksville, Ohio have the authority to aggregate the retail natural gas loads located in the Village, and for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas, including to 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, such aggregation to occur automatically except where any person elects to opt out?

**FOR THE GAS AGGREGATION PROPOSAL
AGAINST THE GAS AGGREGATION PROPOSAL**

The Fiscal Officer of this Village is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than ninety (90) days prior to November 5, 2024. The Natural Gas Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Natural Gas Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4929.26 of the Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Ordinance, this Council, individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Natural Gas 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 each hearing. No plan adopted by this Council shall aggregate the natural gas of any natural gas customer within the Village unless it in advance clearly discloses to the person owning, occupying, controlling, or using the natural gas 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 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 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 until the person chooses an alternative supplier.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council 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 Ordinance shall pass as an emergency measure in order to serve the general welfare of the Village of Crooksville in ensuring that the ballot issue is timely submitted to the Board of Elections.

1st Reading: Waived on at least 3/4 Vote ;
2nd Reading: Waived on at least 3/4 Vote ;
3rd Reading: Passed on at least 2/3 Vote .

Passed: 7/29/2024 .


Chris Mohler, Mayor 7/29/2024
Date

ATTESTED:

Courtney Edwards, Fiscal Officer 7/29/24
Date

Posting Certification

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 30th day of JULY, 2024.


Courtney Edwards, Fiscal Officer