

CITY OF TRENTON, OHIO

ORDINANCE 07 - 2023

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 BUTLER COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, pursuant to Section 4929.26 of the Ohio Revised Code, subject to opt-out provisions, competitive natural gas service for the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the natural gas loads; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities.

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.

WHEREAS, the City of Trenton Council (hereinafter "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 customers in the City of Trenton, OH (hereinafter "Municipality") 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 CITY COUNCIL, CITY OF TRENTON, BUTLER COUNTY, STATE OF OHIO:

SECTION I.

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

SECTION II

The Board of Elections of Butler County is hereby directed to submit the following question to the electors of the City of Trenton at the general election on November 7th, 2023.

"Shall the City of Trenton have the authority to aggregate the retail natural gas loads located in the Municipality, 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?"

The Clerk of this Council is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the Butler County Board of Elections not less than ninety (90) days prior to November 7th, 2023. 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 4929.26 of the Ohio Revised Code.

SECTION III

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 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 Municipality. 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 load of any natural gas load center within the Municipality 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. This 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 termination fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided by the natural gas service company providing distribution service for the person's retail natural gas load until the person chooses an alternative supplier.

SECTION IV

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 V

This Ordinance is hereby declared to be an emergency measure necessary for immediate preservation of the health, safety and welfare of the citizens of the City of Trenton and shall take effect immediately.

PASSED 4-20-2023
AYES 7 NAYS 0

ABSENT 0

First Reading 4-6-2023

Calvin Woodrey 
Mayor

Rules Suspended

AYES _____ NAYS _____

Second Reading 4-20-2023

ABSENT _____

Third Reading _____

ATTEST:

Marcos Nichols *Marcos Nichols*

Clerk of Council

CERTIFICATE

I, the undersigned Clerk of Council, hereby certify that the above Ordinance is a true and correct copy as passed by the Council of the City of Trenton on the 20th day of April, 2023 and that at least two-thirds of the elected members voted in the affirmative on said Ordinance.

Marcos Nichols

Clerk of Council

