

**LIBERTY TOWNSHIP
DELAWARE COUNTY, OHIO**

RESOLUTION NO. 18-0723-01

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO R.C. § 4929.26 AND DIRECTING THE DELAWARE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.

Liberty Township, Delaware County, Ohio ("Township") met in ^{regular}~~regular~~ session on the 23rd day of July, 2018 with the following members present:

Melanie Leneghan

Mike Gempertine

M. Leneghan

moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the Ohio General Assembly enacted legislation, R.C. 4929.26, which authorized the legislative authorities of municipal corporations, townships, and unincorporated areas of the county, to aggregate the retail natural gas loads located within the respective jurisdictions and to enter into service agreements to facilitate the purchase and sale of the service for the retail natural gas loads; and

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

WHEREAS, governmental aggregation provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of natural gas service deregulation through lower natural gas rates, which would not otherwise be available to those natural gas customers individually; and

WHEREAS, the Board of Trustees of Liberty Township ("Board") seeks to establish a governmental aggregation program with opt-out provisions pursuant to R.C. § 4929.26, for the residents, businesses and other natural gas consumers in the Township, and may be in conjunction with any other legislative authorities in the State of Ohio, as permitted by law (the "Aggregation Program").

NOW, THEREFORE, BE IT RESOLVED by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows that:

Section 1: The Board finds and determines that it is in the best interest of the Township, its residents, businesses and other retail natural gas consumers located within the unincorporated areas of the Township to establish an Aggregation Program in the unincorporated areas of the Township. Provided that the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Board is hereby authorized to automatically aggregate, in accordance with R.C. § 4929.26, the retail natural gas loads located within the unincorporated areas of Township, and, for that purpose, to enter into

service agreements to facilitate for those loads the purchase and sale of natural gas service. The Board may exercise such authority jointly with any other political subdivision of the State of Ohio to the full extent permitted by law, which will include use of an energy broker/consultant/aggregator, so long as the broker/consultant/aggregator is certified by the Public Utilities Commission of Ohio (“PUCO”).

The aggregation, subject to R.C. § 4929.26(A)(2)(a) and (b), and the opt-out rights described in Section 3 of this Resolution, will occur automatically for the retail natural gas loads located within the unincorporated areas of the Township and for which there is a choice of supplier, a rule or order has been adopted or issued under Chapter 4905, Ohio Revised Code, or an exemption granted under R.C. §§ 4929.04 to 4929.08.

Section 2: The Board of Elections of Delaware County, Ohio (“BOE”) is hereby directed to submit the following ballot question to the electors of the unincorporated area of the Township at the general election set to occur on November 6, 2018:

PROPOSED RESOLUTION GAS AGGREGATION LIBERTY TOWNSHIP, DELaware COUNTY, OHIO	
A majority affirmative vote is necessary for passage	
Shall the Board of Trustees of Liberty Township, Delaware County, Ohio, have the authority to aggregate the retail natural gas loads located in the unincorporated areas of the Township, and for that purpose, enter into services agreements to facilitate for those loads the sale and purchase of natural gas service, such aggregation to occur automatically except where any person elects to opt-out, in accordance with R.C. § 4929.26 and Resolution No. 18-0723-01 adopted by the Board of Trustees of Liberty Township, Delaware County, Ohio?	
YES	
NO	—

Upon adoption, the Fiscal Officer of this Board is instructed to immediately file a certified copy of this Resolution and the proposed form of the ballot question set forth in Section 2 of this Resolution with the BOE not less than ninety (90) days prior to the general election set to occur November 6, 2018. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this ballot question and Resolution and the Aggregation Program provided for herein and in accordance with the requirements of R.C. § 4929.26.

Section 3: Upon approval of a majority of the electors of the unincorporated areas of the Township voting at the general election set to occur November 6, 2018 provided for in Section 2 of this Resolution, this Board, 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 Board 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 unincorporated areas of the Township. The notice shall summarize the plan and state the date, time and place of each hearing. No plan adopted by this Board shall aggregate the natural gas load within the unincorporated areas of 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 so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment of the Aggregation Program. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least every two (2) years, without paying a switching fee. Any such person who opts out of the 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: It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board and that the deliberations of this Board and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including R.C. § 121.22.

Section 5: This Resolution shall be in full force and effect immediately upon adoption.

M. Gemperline seconded the motion.

Voted on and signed this 23rd of July, 2018 in Liberty Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
LIBERTY TOWNSHIP
DELAWARE COUNTY, OHIO**

Melanie Leneghan
Trustee Leneghan

Mark Gemperline
Trustee Gemperline

not present
Trustee Eichhorn

State of Ohio :
Delaware County :

I, the undersigned Fiscal Officer of Liberty Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. 18012301 is taken and copied from the record of proceedings of the Board of Trustees of Liberty Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true and accurate copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

Date: 7/24/2018

Nancy Denutte
Nancy Denutte
Fiscal Officer Liberty Township
Delaware County, Ohio