

**LIBERTY TOWNSHIP  
DELAWARE COUNTY, OHIO**

**RESOLUTION NO. 18-0723-02**

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO R.C. § 4928.20 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~~<sup>special</sup> session on the 23<sup>rd</sup> day of July, 2018 with the following members present:

Melanie Leneghan

Mike Gemperline

M. Leneghan

moved the adoption of the following Resolution:

**PREAMBLE**

**WHEREAS**, the Ohio General Assembly enacted electric deregulation legislation ("Am. Sub. S.B. No. 3"), which authorized the legislative authorities of municipal corporations, townships, and unincorporated areas of the county, to aggregate the retail electrical loads located within 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 said authority individually or 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 electricity deregulation through lower electricity rates, which would not otherwise be available to those electricity customers individually; and

**WHEREAS**, the Board of Trustees of Liberty Township, Delaware County, Ohio ("Board") seeks to establish a governmental aggregation program with opt-out provisions pursuant to R.C. § 4928.20, for the residents, businesses and other electric consumers in the unincorporated areas of 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 electric consumers located within the unincorporated areas of the Township to establish an Aggregation Program within 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. § 4928.20, the retail electric loads located within the unincorporated areas of the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the purchase and sale of electricity. 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 may 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”).

Except as set forth in R.C. 4928.20(H), 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 Delaware County, Ohio (“BOE”) is hereby directed to submit the following ballot question to the electors of the unincorporated areas of the Township at the general election set to occur on November 6, 2018:

PROPOSED RESOLUTION ELECTRIC AGGREGATION LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO	
A majority affirmative vote is necessary for	
Shall the Board of Trustees of Liberty Township, Delaware County, Ohio, have the authority to aggregate the retail electric loads located within the unincorporated areas of Liberty Township, and for that purpose, enter into services 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, in accordance with R.C. § 4928.20 and Resolution No. 18-0723-02 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. § 4928.20.

**Section 3:** Upon approval of a majority of the qualified 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 electric load of any electric load center 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 three (3) 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 standard service offer provided under R.C. § 4928.141, 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 July 23, 2018 in Liberty Township, Delaware County, Ohio.

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

Melanie Leneghan  
Trustee Leneghan

Mike 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. 18072302 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: 7/23/2018

Nancy Denutte

Nancy Denutte  
Fiscal Officer Liberty Township  
Delaware County, Ohio