

RECORD OF ORDINANCES

Ordinance No. 2019-105Passed December 18, 2019

SPONSOR: MAYOR RICK

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO R.C. 4929.26, AUTHORIZING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION NEWENERGY – GAS DIVISION, LLC TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND APRIL 2020 WHEN THE CURRENT SUPPLY AGREEMENT ENDS AND DECLARING AN EMERGENCY

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of Cities, Villages, Townships and Counties to aggregate the retail natural gas loads located in this respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; 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 finds and determines that it is in the best interest of the Village, its residents, businesses and other Natural Gas consumers located within the limits of the Village to continue its Natural Gas opt-out Aggregation Program subject to the conditions of a Natural Gas Supply Agreement that will take effect on or about April 2020; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: The Mayor is hereby authorized to take all administrative action necessary to support the continuation of the Village's Natural Gas Aggregation Program including entering into an extension of its April 1, 2014 Natural Gas Aggregation Agreement with Constellation NewEnergy – Gas Division, LLC (attached hereto and incorporated herein by reference as Exhibit "A") to facilitate the sale and purchase of Natural Gas to consumers in the Village's opt-out program (titled Third Amendment).

SECTION 2: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

SECTION 3: That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

