

**CITY OF SOUTH LEBANON, OHIO
ORDINANCE NO. 2022-34**

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A
GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM FOR THE CITY
OF SOUTH LEBANON WITH OPT-OUT PROVISIONS PURSUANT TO SECTION
4929.26 OF THE REVISED CODE AND DIRECTING THE WARREN COUNTY
BOARD OF ELECTIONS TO SUBMIT THE QUESTION OF THE AUTHORITY TO
AGGREGATE TO THE ELECTORS OF THE CITY.**

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, subject to out-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, all pursuant to Section 4929.26 of the Revised Code; and

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

WHEREAS, the South Lebanon City Council, (the "Council") seeks to establish a governmental aggregation program for the City of South Lebanon with opt-out provisions pursuant to Section 4929.26 of the Revised Code (the "Aggregation Program") for the residents, businesses and other natural gas customers in the City of South Lebanon (other than mercantile customers, within the meaning of Section 4929.01(L)(1) of the Revised Code, who can only be aggregated with their prior, affirmative consent) and, if deemed advantageous to the City, in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, this Council seeks to put the question of whether to authorize the Aggregation Program to the electors of the City; and

WHEREAS, if approved by a majority of the electors voting upon the question at the special election on May 2, 2023, then this Council will proceed pursuant to Section 4929.26 of the Revised Code to develop a plan with respect to the operation and governance of the Aggregation Program so authorized; and

WHEREAS, this Council would hold at least two public hearings with respect to the plan after due publication of notices as required by Section 4929.26 of the Revised Code;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Lebanon, at least a majority of all members elected thereto concurring:

Section 1. This Council finds and determines that it is in the best interest of the City of South Lebanon, its residents, businesses and other natural gas consumers located within the City to establish the Aggregation Program in the City of South Lebanon if, and only if, the authorization of this Ordinance to establish the Aggregation Program is approved by the electors of the City of South Lebanon pursuant to Section 2 of this Ordinance. If so approved by the electors, then the City of South Lebanon is hereby authorized to aggregate in accordance with Section 4929.26 of the Revised Code, the retail natural gas loads located within the City of South Lebanon, and for that purpose to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The City of South Lebanon 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 if deemed by this Council to be financially advantageous to the electors of the City of South Lebanon. The aggregation will occur automatically for each person owning, occupying, controlling, or using a natural gas load center proposed to be aggregated, other than those persons deemed to be “mercantile customers” within the meaning of Section 4929.01(L)(1), and will provide for the opt-out rights described in Section 3 of this Ordinance.

Section 2. The Warren County Board of Elections is hereby directed to submit the following question to the electors of the City of South Lebanon at the special election on May 2, 2023.

“Shall the City of South Lebanon City Council have the authority, alone or jointly with the legislative authority of any other township or municipal corporation or county, to aggregate the retail natural gas loads located in the City, and for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except with respect to mercantile customers and except with respect to any person who

affirmatively elects by a stated procedure to opt out of the aggregation program, as permitted by Section 4929.26 of the Ohio Revised Code?”

The Fiscal Officer, or his designee, shall file a certified copy of this Ordinance and the proposed form of the ballot question with the Warren County Board of Elections not less than ninety (90) days prior to May 2, 2023. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon question at the election held pursuant to this Section 2 and Section 4929.26 of the 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, alone or jointly with the legislative authority of any municipal corporation, township, or county, 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 public hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. 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 City 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 three years without paying a termination fee or a switching 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 4. The recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

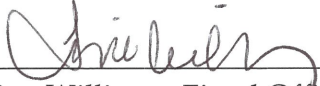
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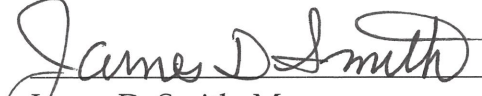
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Section 5. It is found and determined that all formal actions of City Council concerning and relating to passing this Ordinance were adopted in an open meeting of City Council in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance shall go into effect and be in force from the after the earliest period allowed by law.

Adopted this 15th day of December, 2022.

Attest: 
Petrina Williams, Fiscal Officer/Clerk


James D. Smith, Mayor

Rules Suspended: 12/15 2022 (if applicable)

Effective Date – 1 / 15 / 2022³

Vote - 5 Yeas

 Nays

First Reading – / / 2022

Effective Date – / / 2022

Second Reading – / / 2022

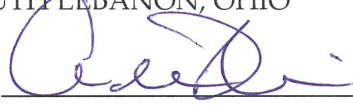
Third Reading – / / 2022

Vote - Yeas

 Nays

Prepared by and approved as to form:

ANDREW P. MEIER
CITY SOLICITOR
SOUTH LEBANON, OHIO

By: 

Date: 12/15/2022