

ORDINANCE NO. 91-24

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY
TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT
TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY
THROUGH NOPEC AS A NOPEC MEMBER**

WHEREAS, on January 30, 2002, Council passed Ordinance No. 3-02 authorizing all actions necessary to bring about an Opt-Out Natural Gas Aggregation Program pursuant to Section 4929.26 of the Ohio Revised Code, directing the County Board of Elections to submit a ballot question to the electors on May 7, 2002, authorizing the execution of an agreement with NOPEC for such purposes; and

WHEREAS, on May 7, 2002, the electors of Lorain County voted (886 in favor and 440 opposed) to give the City the authority to aggregate the retail natural gas loads located in the City and enter into service agreements for the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt-out; and

WHEREAS, on August 12, 2002, Council passed Ordinance No. 128-02 approving the Plan of Operation and Governance for the NOPEC Gas Aggregation Program and for the Purpose of Jointly Establishing and Implementing a Gas Aggregation Program for the City of Avon; and

WHEREAS, to expand the natural gas supply options available to residents, businesses and other consumers within the City of Avon, the City now wishes to establish an "opt-in" natural gas aggregation program pursuant to Section 4929.27(A)(1), Ohio Revised Code (the "Opt-In Natural Gas Aggregation Program") for its residents, businesses and other consumers located within the City and, for that purpose, to act jointly with any other city (municipal corporation), village, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, the City wishes to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF AVON, LORAIN COUNTY, OHIO:**

Section 1 - This Council hereby approves and authorizes the establishment of an Opt-In Natural Gas Aggregation Program in the City jointly through NOPEC as a NOPEC member and adopts this Ordinance pursuant to the authority contained in Section 4929.27(A)(1), Ohio Revised Code.

Section 2 - 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading _____

Second Reading _____

Third Reading _____

PASSED: _____

DATE SIGNED: _____

By: _____

Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara Brooks, Clerk of Council

Posted: _____

Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director