

ORDINANCE NO. 90-24

**AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE
FOR THE NOPEC OPT-IN GAS AGGREGATION PROGRAM FOR THE PURPOSE
OF JOINTLY ESTABLISHING AND IMPLEMENTING AN OPT-IN GAS
AGGREGATION PROGRAM 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, 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, this Council has enacted legislation establishing 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 the eligible residents, business and other consumers located within the City, and to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member; and

WHEREAS, on behalf of this Council and pursuant to Section 4929.27(B), Ohio Revised Code, two (2) public hearings have been held on the revised Plan of Operation and Governance for the NOPEC Opt-In Natural Gas Aggregation Program, one on October 17, 2024 and the other on October 21, 2024; and

WHEREAS, the City now desires to approve the Plan of Operation and Governance for the NOPEC Opt-In Natural Gas Aggregation Program and thereby jointly establish and implement an opt-in gas aggregation program as a NOPEC member.

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

Section 1 - This Council finds and determines that it is in the best interest of the City, including the gas consumers located within the City, to adopt the Plan of Operation and Governance for the NOPEC Opt-In Natural Gas Aggregation Program, a copy of which is attached hereto and incorporated herein, for the purpose of establishing and implementing the NOPEC Opt-In Natural Gas Aggregation Program in the City.

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

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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 10-15-24
Second Reading 10-28-24
Third Reading 11-11-24

PASSED: November 11, 2024

DATE SIGNED: November 11, 2024

By: Brian Fischer
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: November 12, 2024

Bryan K. Jensen
Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior
John A. Gasior, Law Director

ATTEST:

Barbara Brooks
Barbara Brooks, Clerk of Council

Posted: November 13, 2024
Electronically and at City Hall as
Provided by Council

Prepared By:

John A. Gasior, Esq.
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 90-24, passed by the Council of said City on November 11, 2024.

IN WITNESS WHEREOF, I have on this 12th day of November 2024, affixed my signature and official seal.

Barbara J. Brooks
Barbara J. Brooks, Clerk of the Council
of the City of Avon, Ohio