

1 RESOLUTION NO. 2018-125

First Reading Passage Requested

2 SPONSOR Ms. Shapiro

(J. Dodson)

3 DATE April 2, 2018

4 COMMITTEE Planning

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7 **A Resolution authorizing the County Executive to execute the Sixth Amendment to the Master**
8 **Services Agreement with FirstEnergy Solutions, Corp., to supply electricity for the County's**
9 **opt-out electricity aggregation program pursuant to the Master Agreement for a four-year**
10 **term, from 5/1/18 until 4/30/22, with a 6% discount for residential customers and a 5.14 cents**
11 **per kWh for commercial customers, for the Executive, and declaring an emergency.**

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13 WHEREAS, in May 2002, voters in the townships of Bath, Boston, Copley, Coventry,
14 Franklin, Northfield, Richfield, Sagamore Hills, Springfield, Twinsburg and the Village of New
15 Franklin authorized the County of Summit to create an opt-out governmental aggregation program
16 for electricity on their behalf; and

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18 WHEREAS, in March 2006, Franklin Township and the Village of New Franklin
19 subsequently merged into the City of New Franklin; and

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21 WHEREAS, the aforementioned townships and the Village of New Franklin are collectively
22 the County's Aggregation Group for purposes of electrical aggregation; and

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24 WHEREAS, on August 28, 2002, the County Executive executed a four-year Master Services
25 Agreement with FirstEnergy Solutions Corp. to provide services to the County's Aggregation Group
26 ("Master Agreement"); and

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28 WHEREAS, through a series of Amendments, the Master Agreement was extended until
29 May 31, 2018; and

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31 WHEREAS, pursuant to Resolution No. 2017-525, this Council authorized the County
32 Executive to execute the Fifth Amendment to the Master Services to extend the same for a four-year
33 term of 5/1/18 to 4/30/22 with a 6% discount for residential customers and a 5.14 cents per kWh for
34 commercial customers, and the County Executive subsequently executed the same on December 20,
35 2018; and

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37 WHEREAS, on January 8, 2018, Sagamore Hills Township adopted a Resolution exiting the
38 County's opt-out electric aggregation program in order to join an electric aggregation program
39 offered by the Northeast Ohio Public Energy Council; and

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41 WHEREAS, given the departure of Sagamore Hills Township, it is necessary to execute a
42 Sixth Amendment to the Master Agreement to reduce the incentive payment set forth therein; and

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44 WHEREAS, this Council finds and determines, after reviewing all pertinent information, that
45 it is necessary and in the best interest of the County to authorize the County Executive to execute the
46 aforementioned Sixth Amendment to the Master Agreement with FirstEnergy Solutions Corp.;

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48 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of
49 Ohio, that;

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5 SECTION 1

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7 The County Executive is hereby authorized to execute the Sixth Amendment to the Master
8 Agreement with FirstEnergy Solutions, Corp., attached hereto as Exhibit A and incorporated herein
9 as if fully restated, to supply electricity for the County's opt-out electric aggregation program
10 pursuant to the Master Agreement for a four-year term, from 5/1/18 until 4/30/22, with a 6% discount
11 for residential customers and a 5.14 cents per kWh for commercial customers. The Sixth
12 Amendment is approved with changes therein not inconsistent with this Resolution and not
13 substantially adverse to the County, which shall be approved by the County Executive and
14 conclusively evidenced by execution of the Sixth Amendment.

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16 SECTION 2

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18 This Resolution is hereby declared an emergency in the interest of the health, safety and
19 welfare of the citizens of the County of Summit, and for the further purpose of immediately
20 authorizing the Executive to execute the Sixth Amendment to the Master Agreement upon the terms
21 presently offered by FirstEnergy Solutions, Inc.

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23 SECTION 3

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25 Provided this Resolution receives the affirmative vote of eight members, it shall take effect
26 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in
27 force at the earliest time provided by law.

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29 SECTION 4

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31 It is found and determined that all formal actions of this Council concerning and relating to
32 the adoption of this Resolution were adopted in an open meeting of this Council, and that all
33 deliberations of this Council and of any of its committees that resulted in such formal action, were in
34 meetings open to the public, in compliance with all legal requirements, including Section 121.22 of
35 the Ohio Revised Code.

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38 INTRODUCED April 2, 2018

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40 ADOPTED April 2, 2018

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44 CLERK OF COUNCIL

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50 PRESIDENT OF COUNCIL

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52 APPROVED April 3, 2018

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55 EXECUTIVE

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57 April 3, 2018

58 ENACTED EFFECTIVE

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