

1 RESOLUTION NO. 2011-487 First Reading Passage Requested  
2 (J. Dodson)  
3 SPONSOR Mr. Pry and Mr. Kostandaras  
4 November 21, 2011  
5 DATE \_\_\_\_\_ COMMITTEE Finance  
6 \_\_\_\_\_

7 **A Resolution authorizing the County Executive to execute a 24-month agreement with**  
8 **Direct Energy Services, LLC, to supply natural gas for the County's opt-out natural gas**  
9 **aggregation program, from 2/1/12 through 1/31/14, at a fixed rate estimated to be**  
10 **\$5.585/Mcf, and in no event to exceed \$6.00/Mcf, for the Executive's Department of**  
11 **Finance and Budget, and declaring an emergency.**  
12

13 WHEREAS, County Council previously enacted legislation placing upon the ballot at the  
14 May 7, 2002 primary election in the townships of Northfield Center, Twinsburg, Boston,  
15 Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin the question  
16 of whether they should have the authority to aggregate their retail natural gas loads and for that  
17 purpose, enter into service agreements to facilitate for those loads the sale and purchase of  
18 natural gas and further, that such aggregation would occur automatically except where any  
19 person elects to opt out, as provided by Section 4929.26 of the Ohio Revised Code; and  
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21 WHEREAS, at the May 7, 2002, primary election, the voters of all of the aforementioned  
22 political subdivisions approved their respective opt-out natural gas aggregation ballot measures;  
23 and  
24

25 WHEREAS, County Council previously adopted Resolution 2004-353, which placed  
26 upon the ballot at the November 2, 2004 general election the question of whether Bath Township  
27 should have the authority to aggregate the retail natural gas loads in Bath Township, and for that  
28 purpose, enter into service agreements to facilitate for those loads the sale and purchase of  
29 natural gas, such aggregation to occur automatically except where any person elects to opt out;  
30 and  
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32 WHEREAS, at the November 2, 2004, general election, the voters of Bath Township  
33 approved Issue 68, the opt-out natural gas aggregation ballot measure; and  
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35 WHEREAS, on behalf of the aforementioned townships and the Village of New Franklin,  
36 the County filed a governance plan with the Public Utilities Commission of Ohio ("PUCO") and  
37 became a certified governmental aggregator for natural gas; and  
38

39 WHEREAS, on 10/05/11, the County solicited twenty-one PUCO-certified suppliers in  
40 the Ohio natural gas market to provide natural gas to the County's opt-out natural gas  
41 aggregation program; and  
42

43 WHEREAS, after reviewing offers with The E Group, the County's natural gas  
44 consultant, the County selected Direct Energy Services, LLC to supply natural gas to the  
45 County's opt-out natural gas aggregation program; and  
46

47 WHEREAS, the County wishes to enter into a 24-month agreement with Direct Energy  
48 Service, LLC to supply natural gas to the County's opt-out natural gas aggregation program, at a  
49 fixed rate estimated to be \$5.585/Mcf, and in no event to exceed \$6.00/Mcf, with a \$0.10/Mcf  
50 discount for senior citizens; and  
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3  
4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
5 that it is necessary and in the best interest of the County of Summit that the County Executive be  
6 to execute said agreement with Direct Energy, subject to the approval of the Board of Control;

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8 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council of the County of  
9 Summit, State of Ohio, that:

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11 SECTION 1

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13 The County Executive is hereby authorized to execute a 24-month agreement with Direct  
14 Energy Services, LLC, subject to the approval of the Board of Control, to supply natural gas for  
15 the County's opt-out natural gas aggregation program, from 2/1/12 through 1/31/14, at a fixed  
16 rate estimated to be \$5.585/Mcf, and in no event to exceed \$6.00/Mcf, with a discount of  
17 \$0.10/Mcf for senior citizens.

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19 SECTION 2

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21 This Resolution is hereby declared to be an emergency measure in the interest of the  
22 health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further  
23 reason that it is immediately necessary in order to timely supply natural gas to the County's opt-  
24 out natural gas aggregation program because the current agreement to supply natural gas expires  
25 on 1/30/12.

26  
27 SECTION 3


28  
29 Provided this Resolution receives the affirmative vote of eight members, it shall take  
30 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
31 effect and be in force at the earliest time provided by law.


32  
33 SECTION 4

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35 It is found and determined that all formal actions of this Council concerning and relating  
36 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
37 deliberations of this Council and of any of its committees that resulted in such formal action,  
38 were in meetings open to the public, in compliance with all legal requirements, including Section  
39 121.22 of the Ohio Revised Code.

40  
41 INTRODUCED November 21, 2011

42  
43 ADOPTED November 21, 2011

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45   
46 CLERK OF COUNCIL

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49 PRESIDENT OF COUNCIL

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51 APPROVED November 22, 2011

52  
53 November 22, 2011

54  
55 EXECUTIVE

56 ENACTED EFFECTIVE

57 Voice Vote: 11-0: YES: Comunale, Crawford, Feeman, Kostandaras, Kurt  
58 Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro