

RESOLUTION NO. 2009-035

First Reading Passage Requested

L. Phelps

SPONSOR Mr. Pry, Mr. Crawford, Mr. Poda and Mr. Kostandaras

DATE February 9, 2009

COMMITTEE Finance

A Resolution authorizing the County Executive to execute a 36 month agreement with Direct Energy Services, LLC, to supply natural gas for the County's opt-out natural gas aggregation program, from 1/30/09 through 1/31/12, to replace the current agreement, which terminates on 12/31/09, at a rate of \$9.99/Mcf for the first year of the agreement, for the Executive's Department of Finance and Budget, and declaring an emergency.

WHEREAS, County Council previously enacted legislation placing upon the ballot at the May 7, 2002 primary election in the townships of Northfield Center, Twinsburg, Boston, Coventry, Springfield, Copley, Franklin, Richfield and the Village of New Franklin the question of whether they should have the authority to aggregate their retail natural gas loads and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas and further, that such aggregation would occur automatically except where any person elects to opt out, as provided by Section 4929.26 of the Ohio Revised Code; and

WHEREAS, at the May 7, 2002, primary election, the voters of all of the aforementioned political subdivisions approved their respective opt-out natural gas aggregation ballot measures; and

WHEREAS, County Council previously adopted Resolution 2004-353, which placed upon the ballot at the November 2, 2004 general election the question of whether Bath Township should have the authority to aggregate the retail natural gas loads in Bath Township, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out; and

WHEREAS, at the November 2, 2004, general election, the voters of Bath Township approved Issue 68, the opt-out natural gas aggregation ballot measure; and

WHEREAS, on behalf of the aforementioned townships and the City of New Franklin (which is constituted of the former Franklin Township and Village of New Franklin), the County filed a governance plan with the Public Utilities Commission of Ohio and became a certified governmental aggregator for natural gas; and

WHEREAS, this Council previously adopted Resolution No. 2007-553, authorized the County Executive to execute a two (2) year "blend and extend" agreement with Direct Energy Services, LLC, to supply natural gas for the County's opt-out natural gas aggregation program, from 1/1/08 through 12/31/08, to replace the agreement in place at the time, which was to terminate on 3/31/08; and

WHEREAS, because of the fluctuating price of natural gas in the current market, the County and Direct Energy have negotiated a new 36 month agreement with Direct Energy Services, LLC, to supply natural gas for the County's opt-out natural gas aggregation program, from 1/30/09 through 1/31/12, to replace the current agreement, which terminates on 12/31/09, at a rate of \$9.99/Mcf for the first year of the agreement; and

WHEREAS, at its February 4, 2009 meeting, the Board of Control approved the award of the aforementioned agreement; and

WHEREAS, this Council has determined by after reviewing all pertinent information that the aforementioned agreement is necessary and in the best interest of the County of Summit and that the Executive should be authorized to execute the same;

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

SECTION 1

The County Executive is hereby authorized to execute a 36 month agreement with Direct Energy Services, LLC, to supply natural gas for the County's opt-out natural gas aggregation program, from 1/30/09 through 1/31/12, to replace the current agreement, which terminates on 12/31/09, at a rate of \$9.99/Mcf for the first year of the agreement.

SECTION 2

This Resolution is hereby declared to be an emergency measure in the interest of the health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further reason that it is necessary in order to supply natural gas to the County's natural gas aggregation program from 1/30/09 through 1/31/12.

SECTION 3

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

SECTION 4

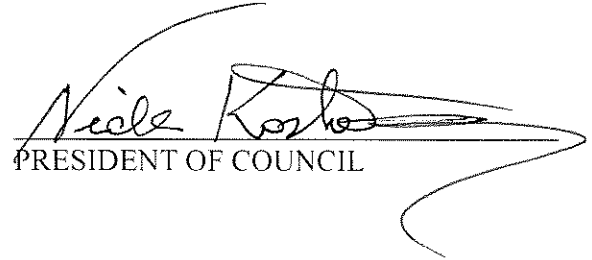
It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open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

RESOLUTION NO. 2009-035
PAGE THREE

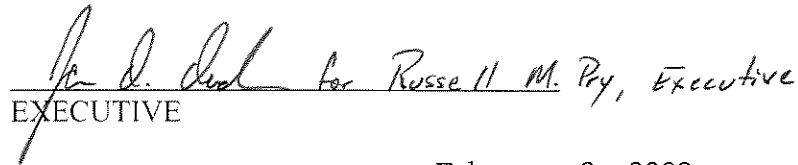
INTRODUCED February 9, 2009

ADOPTED February 9, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED February 9, 2009


EXECUTIVE

ENACTED EFFECTIVE February 9, 2009
~~January 26, 2009~~

Voice Vote: 9-0 YES: Crossland, Schmidt, Comunale, Poda, Smith, Crawford
Feeman, Rodgers, Kostandaras, ABSENT: Prentice & Shapiro