

1 RESOLUTION NO. 2021-062

**First Reading Passage Requested**

(B. Nelsen)

2  
3 SPONSOR Executive Shapiro

4  
5 DATE March 15, 2021

COMMITTEE Planning

6  
7 **A Resolution authorizing the Executive to execute the Seventh Amendment to the Master**  
8 **Services Agreement with Energy Harbor, Corp., to supply electricity for the County's opt-out**  
9 **electricity aggregation program pursuant to the Master Services Agreement for a two-year**  
10 **term, from 5/1/22 until 4/30/24, at a fixed price of .0472/kWh, for the Executive, and declaring**  
11 **an emergency.**

12  
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

17  
18 WHEREAS, in March 2006, Franklin Township and the Village of New Franklin  
19 subsequently merged into the City of New Franklin; and

20  
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

23  
24 WHEREAS, on August 28, 2002, the 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

27  
28 WHEREAS, through a series of Amendments, the Master Agreement was extended until  
29 May 31, 2018; and

30  
31 WHEREAS, pursuant to Resolution No. 2017-525, this Council authorized the Executive to  
32 execute the Fifth Amendment to the Master Agreement to extend the same for a four-year term of  
33 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 Executive subsequently executed the same on December 20, 2018;  
35 and

36  
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

40  
41 WHEREAS, given the departure of Sagamore Hills Township, it was necessary to execute a  
42 Sixth Amendment to the Master Agreement to reduce the incentive payment set forth therein; and

43  
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 Executive to execute the  
46 aforementioned Seventh Amendment to the Master Agreement with Energy Harbor Corp.;

47  
48 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of  
49 Ohio, that;

50  
51  
52  
53

1 RESOLUTION NO. 2021-062

2 PAGE TWO

3  
4 SECTION 1

5  
6 The Executive is hereby authorized to execute the Seventh Amendment to the Master  
7 Services Agreement ("Master Agreement") with Energy Harbor, Corp., attached hereto as Exhibit A  
8 and incorporated herein as if fully restated, to supply electricity for the County's opt-out electric  
9 aggregation program pursuant to the Master Agreement for a two-year term, from 5/1/22 until  
10 4/30/24, at a fixed price of .0472/kWh. The Seventh Amendment is approved with changes therein  
11 not inconsistent with this Resolution and not substantially adverse to the County, which shall be  
12 approved by the Executive and conclusively evidenced by execution of the Seventh Amendment.

13  
14 SECTION 2

15  
16 This Resolution is hereby declared an emergency in the interest of the health, safety and  
17 welfare of the residents of the County of Summit, and for the further purpose of immediately  
18 authorizing the Executive to execute the Seventh Amendment to the Master Agreement upon the  
19 terms presently offered by Energy Harbor, Corp.

20  
21 SECTION 3

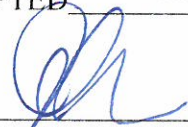
22  
23 Provided this Resolution receives the affirmative vote of eight members, it shall take effect  
24 immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in  
25 force at the earliest time provided by law.

26  
27 SECTION 4

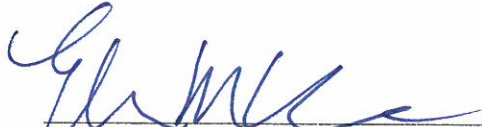
28  
29 It is found and determined that all formal actions of this Council concerning and relating to  
30 the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
31 deliberations of this Council and of any of its committees that resulted in such formal action, were in  
32 meetings open to the public, in compliance with all legal requirements, including Section 121.22 of  
33 the Ohio Revised Code.

34  
35  
36 INTRODUCED March 15, 2021

37  
38 ADOPTED March 15, 2021

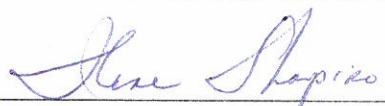
39  
40  
41 

42 CLERK OF COUNCIL

43  
44 

45 PRESIDENT OF COUNCIL

46  
47 APPROVED March 16, 2021

48  
49 

50 EXECUTIVE  
March 16, 2021

ENACTED EFFECTIVE

Voice Vote - YES 11-0: Darrow, DeVitis, Dickinson, Donofrio, Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite