

1 RESOLUTION NO. 2011-376

First Reading Passage Requested

(J. Dodson)

2
3 SPONSOR Mr. Pry and Council of the Whole

4
5 DATE September 19, 2011

COMMITTEE Planning

6
7 **A Resolution authorizing the County Executive to execute a Mercantile Customer Project**
8 **Commitment Agreement with the Ohio Edison Company ("Ohio Edison") whereby, in**
9 **exchange for a cash rebate from the Ohio Edison Company, the County of Summit**
10 **("County") will authorize the Ohio Edison Company to include certain energy efficiency**
11 **improvements undertaken by the County in its Energy Efficiency and Peak Demand**
12 **Reduction Program Portfolio Plan ("Ohio Edison Plan"), for the Executive's Department**
13 **of Community and Economic Development and Department of Administrative Services,**
14 **and declaring an emergency.**

15
16 WHEREAS, the County has made certain energy efficiency improvements to County-
17 owned facilities, through the use of federal Energy Efficiency and Conservation Block Grant
18 funds; and

19
20 WHEREAS, Ohio Edison is a subsidiary of Akron-headquartered FirstEnergy Corp, and
21 is an electric distribution and electric light company under Section 4928.01(A) of the Ohio
22 Revised Code; and

23
24 WHEREAS, Section 4928.66 of the Ohio Revised Code requires Ohio Edison to meet
25 certain energy efficiency and peak demand reduction benchmarks; and

26
27 WHEREAS, in meeting the required energy efficiency benchmarks, Ohio Edison intends
28 to create the Ohio Edison Plan outlining the energy efficiency and peak demand reductions that it
29 will undertake, and is authorized by Ohio law to include in the Ohio Edison Plan certain energy
30 efficiency improvements made by its mercantile customers, including the County, as that term is
31 defined in Section 4928.01(A)(19) of the Ohio Revised Code; and

32
33 WHEREAS, in exchange for the inclusion of the County's energy efficiency
34 improvements in the Ohio Edison Plan, Ohio Edison has been authorized by the Public Utilities
35 Commission of Ohio to offer certain cash rebates to the County as a mercantile customer; and

36
37 WHEREAS, in order to enable the County's energy efficiency improvements to be
38 included in the Ohio Edison Plan, and to provide for the aforementioned cash rebates to the
39 County, the County and Ohio Edison desire to enter into a Mercantile Customer Project
40 Commitment Agreement, a copy of which is attached hereto as Exhibit A; and

41
42 WHEREAS, upon receipt of the aforementioned cash rebates, the County Executive
43 intends to undertake additional energy efficiency improvements to certain County facilities, as to
44 be determined by the Executive, and subject to appropriate approval of this Council as set forth
45 in the Codified Ordinances of the County of Summit; and

46
47 WHEREAS, this Council finds and determines that it is necessary and in the best interest
48 of the County to authorize the Executive to execute the Mercantile Customer Project
49 Commitment Agreement and any other documents incidental thereto to receive the cash rebates
50 from Ohio Edison;

51

1 RESOLUTION NO. 2011-376

2 PAGE TWO

3
4 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
5 State of Ohio, that:

6
7 SECTION 1

8
9 The County Executive is hereby authorized to execute the Mercantile Customer Project
10 Commitment Agreement with the Ohio Edison Company ("Ohio Edison"), attached hereto as
11 Exhibit A. The County Executive is further authorized to execute any other documents
12 incidental to the Mercantile Customer Project Commitment Agreement necessary to receive the
13 cash rebates from Ohio Edison.

14
15 SECTION 2

16
17 This Resolution is hereby declared an emergency in the interest of the health, safety, and
18 welfare of the citizens of the County of Summit and for the further reason of immediately
19 authorizing the Executive to execute the Mercantile Customer Project Commitment Agreement
20 with Ohio Edison in order to meet certain deadlines to make the County eligible to receive the
21 aforementioned cash rebate.

22
23 SECTION 3

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

28
29 SECTION 4

30
31 It is found and determined that all formal actions of this Council concerning and relating
32 to 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,
34 were in meetings open to the public, in compliance with all legal requirements, including Section
35 121.22 of the Ohio Revised Code.

36
37
38 INTRODUCED September 19, 2011

39
40 ADOPTED September 19, 2011

41
42
43
44  CLERK OF COUNCIL

45
46
47
48  PRESIDENT OF COUNCIL

49
50 APPROVED September 19, 2011

51
52  EXECUTIVE

ENACTED EFFECTIVE September 19, 2011

Voice Vote:10-0 YES: Komunale, Crawford, Feeman, Kostandaras
Kurt, Prenice, Rodgers, Roemer, Schmidt, Shapiro ABSENT: Lee