

1 RESOLUTION NO. 2013-501

First Reading Passage Requested

(J. Dodson)

2
3 SPONSOR Mr. Pry

4
5 DATE November 25, 2013

COMMITTEE Finance

6
7 **A Resolution authorizing the County Executive to execute a 20-month agreement with**
8 **Constellation Energy Gas Choice, Inc., to supply natural gas for the County's opt-out**
9 **natural gas aggregation program, for the period 2/1/14 through 9/30/15, at a fixed rate**
10 **based on the New York Mercantile Exchange weighted average plus \$.142/Mcf and**
11 **estimated to be \$4.17/Mcf, and in no event to exceed \$5.00/Mcf, for the Executive's**
12 **Department of Finance and Budget, and declaring an emergency.**

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

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

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26 WHEREAS, County Council previously adopted Resolution No. 2004-353, which placed
27 upon the ballot at the November 2, 2004 general election the question of whether Bath Township
28 should have the authority to aggregate the retail natural gas loads in Bath Township, and for that
29 purpose, enter into service agreements to facilitate for those loads the sale and purchase of
30 natural gas, such aggregation to occur automatically except where any person elects to opt out;
31 and

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

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36 WHEREAS, on behalf of the aforementioned townships and the Village of New Franklin,
37 now the City of New Franklin, the County filed a governance plan with the Public Utilities
38 Commission of Ohio ("PUCO") and became a certified governmental aggregator for natural gas;
39 and

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41 WHEREAS, on behalf of the County, Buckeye Energy Brokers, Inc., the County's
42 natural gas consultant, sent out requests for proposals in early November to PUCO-certified
43 suppliers in the Ohio natural gas market to provide natural gas to the County's opt-out natural
44 gas aggregation program; and

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46 WHEREAS, after reviewing offers with Buckeye Energy Brokers, Inc. the County
47 selected Constellation Energy Gas Choice, Inc. to supply natural gas to the County's opt-out
48 natural gas aggregation program; and

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4 WHEREAS, the County wishes to enter into a 20-month agreement with Constellation
5 Energy Gas Choice, Inc., to supply natural gas to the County's opt-out natural gas aggregation
6 program, at a fixed rate based on the New York Mercantile Exchange ("NYMEX") weighted
7 average plus \$.142/Mcf and estimated to be \$4.17/Mcf, and in no event to exceed \$5.00/Mcf;
8 and
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10 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
11 that it is necessary and in the best interest of the County of Summit that the County Executive be
12 authorized to execute said agreement with Constellation Energy Gas Choice, Inc.;

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

16
17 SECTION 1

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19 The County Executive is hereby authorized to execute a 20-month agreement with
20 Constellation Energy Gas Choice, Inc. to supply natural gas for the County's opt-out natural gas
21 aggregation program, for the period 2/1/14 through 9/30/15, at a fixed rate based on the New
22 York Mercantile Exchange ("NYMEX") weighted average plus \$.142/Mcf and estimated to be
23 \$4.17/Mcf, and in no event to exceed \$5.00/Mcf.
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25 SECTION 2

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27 This Resolution is hereby declared to be an emergency measure in the interest of the
28 health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further
29 reason that it is immediately necessary in order to timely supply natural gas to the County's opt-
30 out natural gas aggregation program because the current agreement to supply natural gas expires
31 on 1/30/14.
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33 SECTION 3

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35 Provided this Resolution receives the affirmative vote of eight members, it shall take
36 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
37 effect and be in force at the earliest time provided by law.
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39 SECTION 4

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41 It is found and determined that all formal actions of this Council concerning and relating
42 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
43 deliberations of this Council and of any of its committees that resulted in such formal action,
44 were in meetings open to the public, in compliance with all legal requirements, including Section
45 121.22 of the Ohio Revised Code.
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INTRODUCED November 25, 2013

ADOPTED November 25, 2013



CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED November 26, 2013



EXECUTIVE

ENACTED EFFECTIVE November 26, 2013

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