

1 RESOLUTION NO. 2014-432

**First Reading Passage Requested**  
**(J. Dodson)**

2  
3 SPONSOR Mr. Pry

4  
5 DATE September 22, 2014

COMMITTEE Finance

6  
7 **A Resolution authorizing the County Executive to execute an amendment to a 20-month**  
8 **agreement, for the period 2/1/14 through 9/30/15, with Constellation Energy Gas Choice,**  
9 **Inc., to supply natural gas for the County's opt-out natural gas aggregation program, to**  
10 **extend the agreement for an additional 24 months, from 10/1/15 through 9/30/17, at a fixed**  
11 **rate based on the New York Mercantile Exchange weighted average plus \$0.06/Mcf, for the**  
12 **Executive's Department of Finance and Budget, and declaring an emergency.**

13  
14 WHEREAS, this 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

21  
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, this 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  
28 Township should have the authority to aggregate the retail natural gas loads in Bath Township,  
29 and for that purpose, enter into service agreements to facilitate for those loads the sale and  
30 purchase of natural gas, such aggregation to occur automatically except where any person elects  
31 to opt out; 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 2013 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, this Council previously adopted Resolution No. 2013-501, which authorized  
5 the County Executive to execute a 20-month agreement with Constellation Energy Gas Choice,  
6 Inc., to supply natural gas for the County's opt-out natural gas aggregation program, for the  
7 period 2/1/14 through 9/30/15, at a fixed rate based on the New York Mercantile Exchange  
8 ("NYMEX") weighted average plus \$.142/Mcf and estimated to be \$4.17/Mcf, and in no event to  
9 exceed \$5.00/Mcf (the "Constellation Agreement"); and

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11 WHEREAS, the County secured a fixed rate price of \$4.38/Mcf during the 20-month  
12 term of the Constellation Agreement, which is lower than the Dominion East Ohio Standard  
13 Service Offer, which was \$5.455/Mcf in March 2014; and

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15 WHEREAS, due to favorable pricing in the natural gas market, on behalf of the County,  
16 Buckeye Energy Brokers, Inc., sent out requests for proposals in early September 2015 to  
17 PUCO-certified suppliers in the Ohio natural gas market to provide natural gas to the County's  
18 opt-out natural gas aggregation program at a fixed rate price beginning on 10/1/15, when the  
19 Constellation Agreement expires; and

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21 WHEREAS, Constellation Energy Gas Choice, Inc., offered the best package to enable  
22 the County to secure a favorable price for Summit County residents by offering a fixed rate, at a  
23 fixed rate based on the NYMEX weighted average plus \$0.06/Mcf for a 24-month period from  
24 10/1/15 through 9/30/17; and

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26 WHEREAS, the County wishes to enter into an amendment to the Constellation  
27 agreement to extend it for an additional 24 months, from 10/1/15 through 9/30/17, at a fixed rate  
28 based on the NYMEX weighted average plus \$0.06/Mcf; and

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30 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
31 that it is necessary and in the best interest of the County of Summit that the County Executive be  
32 authorized to execute said amendment to the Constellation agreement;

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

36  
37 SECTION 1

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39 The County Executive is hereby authorized to execute an amendment to a 20-month  
40 agreement, for the period 2/1/14 through 9/30/15, with Constellation Energy Gas Choice, Inc., to  
41 supply natural gas for the County's opt-out natural gas aggregation program, to extend the  
42 agreement for an additional 24 months, from 10/1/15 through 9/30/17, at a fixed rate based on  
43 the New York Mercantile Exchange weighted average plus \$0.06/Mcf.

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45 SECTION 2

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47 This Resolution is hereby declared to be an emergency measure in the interest of the  
48 health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further  
49 reason that it is immediately necessary in order to take advantage of favorable pricing in the  
50 natural gas market to secure the lowest price per Mcf possible for the customers the County's  
51 opt-out natural gas aggregation program.

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2 PAGE THREE

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4 SECTION 3

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

9  
10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating  
13 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
14 deliberations of this Council and of any of its committees that resulted in such formal action,  
15 were in meetings open to the public, in compliance with all legal requirements, including Section  
16 121.22 of the Ohio Revised Code.

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19 INTRODUCED September 22, 2014

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21 ADOPTED September 22, 2014

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25 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED September 22, 2014

EXECUTIVE

ENACTED EFFECTIVE September 22, 2014

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