

1 RESOLUTION NO. 2024-035

**First Reading Passage Requested**

2

**(B. Nelsen)**

3 SPONSOR Executive Shapiro

4

5 DATE February 12, 2024

COMMITTEE Planning

6

7 **A Resolution authorizing the Executive to execute the Eighth 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 one-year**  
10 **term, from 5/1/24 until 4/30/25, at an estimated fixed price of .0603/kWh, for the Executive, and**  
11 **declaring 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, pursuant to Resolution No. 2021-062, this Council authorized the Executive to  
45 execute the seventh Amendment to the Master Agreement to extend the same for a two-year term of  
46 5/1/22 to 4/30/24; and

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48 WHEREAS, this Council finds and determines, after reviewing all pertinent information, that  
49 it is necessary and in the best interest of the County to authorize the Executive to execute the  
50 aforementioned Eighth Amendment to the Master Agreement with Energy Harbor Corp.;

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52 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of  
53 Ohio, that;

1 RESOLUTION NO. 2024-035

2 PAGE TWO

3

4 SECTION 1

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6 The Executive is hereby authorized to execute the Eighth Amendment to the Master Services  
7 Agreement (“Master Agreement”) with Energy Harbor, Corp., attached hereto as Exhibit A and  
8 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 one-year term, from 5/1/24 until  
10 4/30/25, at an estimated fixed price of .0603/kWh. The Eighth Amendment is approved with  
11 changes therein not inconsistent with this Resolution and not substantially adverse to the County,  
12 which shall be approved by the Executive and conclusively evidenced by execution of the Eighth  
13 Amendment.

14

15 SECTION 2

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

21

22 SECTION 3

23

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

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28 SECTION 4

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

35

36

37 INTRODUCED February 12, 2024

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39 ADOPTED February 12, 2024

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41 DocuSigned by:  
*Monique Willis*  
42  
43 560BEF400F5451...  
CLERK OF COUNCIL

41 DocuSigned by:  
*Rita S. Darrow*  
42  
43 132AA5B69D28443...  
PRESIDENT OF COUNCIL

44

45 APPROVED February 12, 2024

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47 DocuSigned by:  
*Sean Shapiro*  
48  
49 CBD33E40D287473...  
EXECUTIVE  
50 February 13, 2024  
51 ENACTED EFFECTIVE

Voice Vote – YES: 9 – 0: Darrow,  
Dickinson, Donofrio, McKenney,  
Rodgers, Schmidt, Walters, Wiedie  
Higham, Wilhite  
Absent: DeVitis