

RESOLUTION NO. 24 - 2005

RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE BUTLER COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR SUCH PURPOSES.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail natural gas loads located in the respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and,

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and,

WHEREAS, this Board of Trustees seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other natural gas consumers in the Township, as permitted by law.

NOW THEREFORE, BE IT RESOLVED that the West Chester Township Board of Trustees does hereby agree to:

SECTION 1. Find and determine that it is in the best interest of the Township, its residents, businesses and other natural gas consumers located within the Township limits to establish the Aggregation Program in the Township. Provided that this Resolution and the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Township is hereby authorized to aggregate in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the Township, and, for that purpose, to enter into service agreements to facilitate the sale and distribution, sale and purchase of retail natural gas loads. The Township may exercise such authority using an energy broker, consultant, distributor and/or aggregator certified by the Public Utilities Commission of Ohio, to the full extent permitted by law, and for such purpose, the Administrator is hereby authorized to execute and deliver a brokerage agreement. The aggregation will occur automatically for each person owning, occupying, controlling, or using a natural gas load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2. Direct the Board of Elections of Butler County to submit the following question to the electors of the Township at the general election on November 8, 2005.

Shall West Chester Township have the authority to aggregate the retail natural gas loads located in the Township, and for that purpose, enter into service agreements to facilitate for those loads the

distribution, sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out, all in accordance with Section 4929.26 of the Ohio Revised Code?


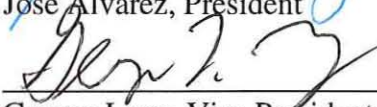
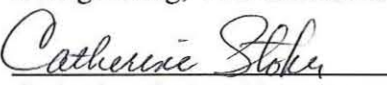
The Clerk of this Board of Trustees is instructed immediately to file a certified copy of this Resolution and the proposed form of the ballot question with the County Board of Elections not less than seventy-five (75) days prior to November 8, 2005. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the general election provided for in Section 2 of this Resolution, this Board of Trustees shall develop a plan of operation and governance for the Natural Gas Aggregation Program. Before adopting such plan, this Board of Trustees or Independent Energy Consultants, Inc. on behalf of this Board of Trustees shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Board of Trustees shall aggregate the natural gas load of any natural gas load center within the Township unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two years, without penalty as set forth in rule 4901:1-28-04 of the Ohio Administrative Code.

SECTION 4. Find and determine that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board of Trustees and that all deliberations of this Board of Trustees and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. Authorize and direct the Administrator to enter into an agreement for consulting services and any other required services related to natural gas utility deregulation for West Chester Township, and ratifying any such services heretofore performed.

Adopted this 12th day of July, 2005.

 Jose Alvarez, President	<u>Yes</u> Yes / No
 George Lang, Vice President	<u>YES</u> Yes / No
 Catherine Stoker, Trustee	<u>YES</u> Yes / No

ATTEST:

Patricia Williams
Patricia Williams, Township Clerk

APPROVED AS TO FORM:

Donald L. Crain
Donald L. Crain, Law Director

CERTIFICATE OF PUBLICATION

June 28, 2005

Date

First Reading

Date

July 12, 2005

Date

Emergency Reading

Second Reading

July 18, 2005 Journal News

Date and Newspaper

July 21, 2005 Pulse Journal

First Publication
(After Approval)

July 25, 2005 Journal News

Date and Newspaper

July 28, 2005 Pulse Journal

Second Publication
(After Approval)

Patricia Williams, 7/13/06

Clerk Signature & Date

Certificate of Publication