

**ORDINANCE NO. 61-01**

Ordinance 61-01

By: **Helen MacMurray Mayo**

**An emergency ordinance authorizing the submission to the electors of the City of Bexley of a proposal to authorize the City to act as an aggregator on behalf of the distribution customers of American Electric Power within the City for electric service at the earliest permissible point in time and continuing thereafter.**

Whereas, pursuant to Revised Code Chapter 4928, municipalities and others may aggregate customers within their jurisdiction in order to facilitate "customer choice" in electric power supply to promote lower cost electric service within the City; and

Whereas, aggregation by the City may permit distribution customers of American Electric Power within the City to realize lower electric rates from the collective purchasing of electric generation supplies;

Whereas, the City desires to submit to the electors of the City the question of whether the City should create an aggregation program in accordance with Revised Code Section 4928.20; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that opportunities to coordinate aggregation activities with certain suppliers of electricity may become limited; now, therefore,

Be it ordained by the Council of the City:

**Section 1.** That the City authorizes the submission to the electors of the City at a special election to be held at the usual places of voting of the City on Tuesday, November 6, 2001, of a proposal to authorize the City to act as an aggregator on behalf of customers of American Electric Power within the City for electric generation service at the earliest permissible point in time, consistent with all legal requirements and the presence of an opportunity or opportunities to provide benefits to electric customers within the City, and continuing thereafter in accordance with Revised Code Section 4928.20 and other requirements of Revised Code Chapter 4928.

**Section 2.** That the proposed aggregation authorization, upon receiving at least a majority of the votes cast thereon at the November 6, 2001 election, shall become effective immediately upon its adoption, and the City's aggregation program shall thereafter commence in accordance with a plan for operation and governance to be established pursuant to Revised Code Chapter 4928. Under the City's aggregation program, a customer of American Electric Power whose retail electric load is located within the City shall automatically be included in the City's aggregation program to the extent that Ohio law permits such inclusion. Service to such electric customers under the City's aggregation program will begin at the earliest permissible point in time, consistent with all legal requirements and the presence of an opportunity or opportunities to provide benefits to electric customers within the City, and continuing thereafter if not otherwise prohibited by law. Electric customers may thereafter be added to the City's aggregation program

as permitted by a plan of operation and governance and other applicable law. Customers in the City's aggregation program shall be served according to one or more supply arrangements as opportunities become available to provide benefits to all electric customers within the City or groups of such customers.

**Section 3.** That the Clerk is hereby authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Franklin County.

**Section 4.** That the Board of Elections of Franklin County shall cause an appropriate notice to be duly given of the election to be held on November 6, 2001, on the foregoing proposal and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 5.** That the Clerk is hereby authorized to cause the full text of this Ordinance to be published once a week for two consecutive weeks in a newspaper of general circulation published in the City, with the first publication to be made at least fifteen days prior to the special election to held on November 6, 2001, as provide in Article XVIII, Section 9 of the Ohio Constitution and Section 731.211 of the Ohio Revised Code.

**Section 6.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements.

**Section 7.** That the ballot submitting the question of the adoption of the aforesaid proposal shall read as follows:

A majority affirmative vote is necessary for passage.

Shall the City of Bexley have the authority to aggregate the retail electric loads of American Electric Power located in the City of Bexley, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?

**Section 8.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

I, Richard A. Levin, Clerk of Council of the City, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 61-01 passed by the Council of the City, 8-13-01 (date); EFFECTIVE WITNESS my hand and seal at Bexley, Ohio, this 13th day of August, 2000.

Passed: August 13, 2001

Anne H. Parker

President of Council

Attest:

Richard A. Levin

Clerk of Council

Approved: 8/13, 2001

David H. Madison

David H. Madison, Mayor

8/13/01 First Reading

- Motion to Suspend 3 readings
- Motion to Pass Ordinance
- Ordinance Passed

## CERTIFICATE

As Auditor and Clerk of Council of the City of Bexley, Ohio, I hereby certify to the Board of Elections of Franklin County, Ohio, that attached to this certificate is a true and accurate copy of Amended Ordinance No. 61-01 as passed by Bexley City Council, approved by Mayor Madison, signed by the President of Council and attested by me, and that said Ordinance is in full force and effect without amendment as of the date hereof.

Dated this 13<sup>th</sup> day of August.



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Richard A. Levin  
Auditor and Clerk of Council  
City of Bexley, Ohio



# Receipt for Petitions or Resolutions

1191

Office of the Board of Elections, Franklin County, Ohio, Aug 21, 2001

Received of Richard Levin City Auditor

Declaration of Candidacy Petitions for the office of \_\_\_\_\_, of the \_\_\_\_\_ party

Nominating Petitions for the office of \_\_\_\_\_

Local Option Petition Subdivision: Bexley (City)

Referendum Petition Number of Signatures: \_\_\_\_\_

Initiative Petition Part - petitions: \_\_\_\_\_

Filing Fee: \_\_\_\_\_

### DESCRIPTION—PURPOSE, RATE, DATE OF ELECTION, ETC.

TAX LEVY—\_\_\_\_\_

BOND ISSUE—\_\_\_\_\_

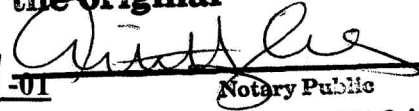
CHARTER AMENDMENT—\_\_\_\_\_

OTHER— Aggregator - Electricity

BOARD OF ELECTIONS, By MEVIN

(SIGNED)

Certified to be a true copy of  
the original



Notary Public

ANITA S. HUGHES  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JULY 28, 2003

FILED

ORDINANCE NO. 61-01

By: Helen MacMurray Mayo

01 AUG 21 AM 10:56  
BOARD OF CITY CLERK

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Anne H. Parker

President of Council

Attest:

Richard A. Levin  
Clerk of Council

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David H. Madison, Mayor

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Dated this 13<sup>th</sup> day of August.



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Richard A. Levin  
Auditor and Clerk of Council  
City of Bexley, Ohio