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ADMINISTRATOR  
LARRY FRONK



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POLICE DEPARTMENT  
248-3721  
FIRE / EMS  
248-3700  
PARKS / RECREATION  
248-3727

## MIAMI TOWNSHIP

6101 MEIJER DRIVE • MILFORD, OH 45150-2189

### RESOLUTION 2014 - 35

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session at the Miami Township Civic Center on July 15, 2014 with the following members present: Ken Tracy and Karl Schultz,

MR. SCHULTZ made a motion to adopt the following Resolution:

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRIC MIAMI TOWNSHIP AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, DIRECTING THE CLERMONT COUNTY BOARD OF ELECTION TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.**

**WHEREAS**, the Ohio Legislature has enacted electric deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, pursuant to Section 4928.20 of the Ohio Revised Code, subject to opt-out provisions, competitive electric service for the retail electric loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the electricity loads; and

**WHEREAS**, such legislative authorities may exercise such authority jointly with any other legislative authorities;

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

**WHEREAS**, the Miami Township Board of Trustees seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the "aggregation Program"), for the residents, businesses and other electric consumers in Miami Township and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Miami Township, Clermont County, Ohio, as follows:

SECTION 1. The Miami Township Board of Trustees finds and determines that it is in the best interest of Miami Township, its residents, businesses and other electric consumers located within the corporate limits of Miami Township to establish the Aggregation Program in Miami Township. Provided that this Resolution and the Aggregation Program is approved by the electors of Miami Township pursuant to

[www.MiamiTwpOH.gov](http://www.MiamiTwpOH.gov)

Section 2 of this Resolution, Miami Township is hereby authorized to aggregate in accordance with Section 4928.20, Ohio Revised Code, the retail electrical loads located within Miami Township, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electricity. Miami Township may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 3 of this Resolution.

SECTION 2: The Board of Elections of Clermont County is hereby directed to submit the following question to the electors of Miami Township at the general election on November, 4 2014.

**“Shall Miami Township, Clermont County have the authority to aggregate the retail electric loads located in Miami Township, 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?”**

The Fiscal Officer of Miami Township 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 ninety (90) days prior to November 4, 2014. 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 4928.20 of the Ohio Revised Code.

SECTION 3. Upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Resolution, the Miami Township Board of Trustees individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, the Miami Township 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 Miami Township. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by the Miami Township Board of Trustees shall aggregate the electrical load of any electric load center within Miami 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 three years without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

SECTION 4: That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5: This Resolution shall take effect at the earliest period allowed by law.

MR. TRACY seconded the motion to adopt the Resolution. On the roll call being called the vote resulted as follows:

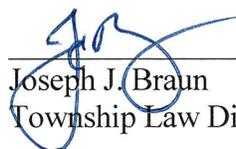
Mr. Tracy	<u>AYE</u>
Mr. Schultz	<u>AYE</u>

Resolution 2014-35 adopted July 15, 2014

ATTEST:

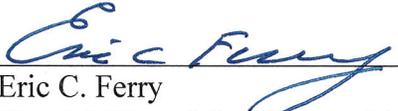
  
Eric C. Ferry, Fiscal Officer

APPROVED AS TO FORM:

  
Joseph J. Braun  
Township Law Director

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.

  
Eric C. Ferry  
Fiscal Officer, Miami Township

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, Clermont County, Ohio, do hereby certify that the foregoing is a true and correct copy of Resolution 2014-35 duly passed by the Board of Trustees of Miami Township, Clermont County, Ohio on the 15th day of July, 2014, and do hereby further certify that the amount required to meet the obligation imposed by this Resolution has been lawfully appropriated for such purpose, and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

  
Eric C. Ferry, Fiscal Officer