**ORDINANCE NO. 14-2023**

**AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRIC AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE, DIRECTING THE HAMILTON COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS, AND DECLARING AN EMERGENCY**

**WHEREAS,** the Ohio General Assembly enacted electric deregulation legislation that 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 electric loads; and

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

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

**WHEREAS,** the Council (“Council”) of the Village of Fairfax, Ohio (“Village”) seeks to establish a governmental aggregation program with opt-out provisions pursuant to R.C. 4928.20 (the “Aggregation Program”) for the residents, businesses and other electric customers in the Village 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 ORDAINED** by the Council of the Village of Fairfax, State of Ohio that:

**SECTION I:** This Council finds and determines that it is in the best interest of the Village, its residents, businesses, and other electric consumers located within the corporate limits of the Village to establish the Aggregation Program. Provided that the Aggregation Program is approved by the electors of the Village pursuant to Section II of this Ordinance, the Village is hereby authorized to aggregate, in accordance with R.C. 4928.20, the retail electric loads located within the Village, and, for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of electric. The Village 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 III of this Ordinance.

**SECTION II:** The Board of Elections of Hamilton County is hereby directed to submit the following question to the electors of the Village of Fairfax at the general election on November 7, 2023:

**“Shall the Village of Fairfax have the authority to aggregate the retail electric loads located in the Village, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electric, such aggregation to occur automatically except where any person elects to opt out?”**

The Fiscal Officer is instructed immediately to file a certified copy of this Ordinance and the proposed form of the ballot question with the Hamilton County Board of Elections not less than ninety (90) days prior to November 7, 2023. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon the foregoing question at the election held pursuant to this Section II and Section 4928.20 of the Ohio Revised Code.

**SECTION III:** Upon the approval of a majority of the electors voting at the election provided for in Section II of this Ordinance, this Council, individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council 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 Village or otherwise as provided by law. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the electric load of any electric load center within the Village 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. This 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 termination fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided by the electric service company providing distribution service for the person’s retail electric load until the person chooses an alternative supplier.

**SECTION IV:** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**SECTION V:** This Ordinance is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately. The reason for said declaration of emergency is the immediate need to certify the foregoing question by the deadline to be placed on the ballot for the general election to be held on November 7, 2023.

Passed this 24th day of July, 2023.

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Mayor

ATTEST:

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Fiscal Officer

**CERTIFICATE**

I hereby certify this to be a true and correct copy of Ordinance No. 14-2023 adopted at a meeting of the Council of the Village of Fairfax, this 24th day of July, 2023.

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Fiscal Officer