

ORDINANCE NO. 77-2015

**TITLE: SUPPLY AGREEMENT – CONSTELLATION NEW ENERGY
GAS AGGREGATION PROGRAM**

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A SUPPLY AGREEMENT WITH CONSTELLATION NEW ENERGY TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND OCTOBER 2015 WHEN THE CURRENT SUPPLY AGREEMENT ENDS.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("H.B. No. 9") which authorizes the legislative authorities of cities 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 Council finds and determines that it is in the best interest of the City, its residents, businesses and other Natural Gas consumers located within the limits of the City to continue its Natural Gas opt-out Aggregation Program subject to the conditions of a Natural Gas Supply Agreement; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio, that:

SECTION 1: The Mayor is hereby authorized to enter into a Master Service Agreement for Natural Gas Supply Services with Constellation Energy Gas Choice, Inc., (attached hereto and incorporated herein by reference as Exhibit A) to facilitate the sale and purchase of Natural Gas to consumers in the City's opt-out program.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted 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 meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2015

Clerk of Council

President of Council

Approved _____ 2015

Mayor