

ORDINANCE NO. 33-2025

**TITLE: ELECTRICITY AGGREGATION PROGRAM
AMENDING ORDINANCE NO. 154-2020**

AN ORDINANCE AMENDING ORDINANCE NO. 154-2020 “AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL ELECTRIC AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, DIRECTING THE MAYOR OF THE CITY OF BARBERTON TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT WITH DYNEGY (FORMERLY KNOWN AS ENERGY HARBOR) TO REFLECT A NEW ENERGY RATE OF \$.0932/KWH, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Legislature has enacted electric deregulation legislation (“Am. Sub. S.B. No. 3”) which authorizes the legislative authorities of cities, villages, townships and counties to aggregate the retail electrical loads located within their jurisdiction and to enter into service agreements to facilitate for those loads the purchase and sale of electricity; and

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; and

WHEREAS, Dynegy (formerly known as Energy Harbor) has served as the City’s aggregation supplier for several years and the current program is set to expire in May of 2025; and

WHEREAS, the new rate of \$.0932/kWh is the lowest rate the City received through the aggregation program and the competitive bidding process; and

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

SECTION 1. That the Mayor, or his Designee, is hereby authorized to amend Ordinance No. 154-2020 to reflect a new energy rate of \$.0932/kWh.

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. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience and welfare of the City of Barberton and the inhabitants thereof, for the further reason to complete the opt-out letters and change over material delivery to Barberton residents, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed March 10, 2025

Clerk of Council

President of Council

Approved _____ 2025

Mayor