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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. - 2017

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8
9 AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO THE
10 NORTHEAST OHIO PUBLIC ENERGY COUNCIL (“NOPEC”) AND
11 AUTHORIZING THE EXECUTION AND DELIVERY OF THE
12 AGREEMENT ESTABLISHING NOPEC AND APPROVING THE
13 BYLAWS OF NOPEC, AND DECLARING AN EMERGENCY.
14

15
16 WHEREAS, the Council of the City of Cuyahoga Falls wishes to establish a natural gas
17 aggregation program pursuant to Section 4929.26, of the Ohio Revised Code (the “Natural Gas
18 Program”), for the residents, businesses and other consumers located within the City, and for that
19 purpose, to act jointly with any other City, village, township, municipal corporation, county or
20 other political subdivision of the State of Ohio, as permitted by law; and
21

22 WHEREAS, by joining the Northeast Ohio Public Energy Council, the City will be able to act
23 jointly with other member political subdivisions and thereby maximize the potential benefit of
24 natural gas deregulation through group purchasing efforts.
25

26 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
27 of Summit, and State of Ohio, that:
28

29 Section 1. The Council finds and determines that it is in the best interest of the City,
30 including the natural gas consumers located within the City, to join and to adopt the NOPEC
31 Bylaws, for the purpose of establishing and implementing the Natural Gas Program within the
32 City.
33

34 Section 2. The Mayor is hereby authorized and directed to execute and deliver the
35 Agreement Establishing the Northeast Ohio Public Energy Council (the “NOPEC Agreement”).
36 The NOPEC Agreement shall be substantially in the form presented to this Council and on file
37 with the Clerk, subject to such changes, insertions and omissions which are consistent with
38 this Ordinance and are not substantially adverse to the City and as may be approved by the
39 Mayor, which approval shall be conclusively evidenced by the execution of the NOPEC
40 Agreement.
41

42 Section 3. The Council hereby approves and adopts the Bylaws of NOPEC (in the form
43 attached to the NOPEC Agreement).
44

45 Section 4. Any other ordinances and resolutions or portions of ordinances and resolutions
46 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of
47 ordinances and resolutions not inconsistent herewith and which have not previously been
48 repealed are hereby ratified and confirmed.
49

50 Section 5. It is found and determined that all formal actions of this Council concerning and
51 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
52 all deliberations of this Council and any of its committees that resulted in such formal action
53 were in meetings open to the public, in compliance with all legal requirements including
54 Chapter 107 of the Codified Ordinances.
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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2017

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9 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A
10 NATURAL GAS PROGRAM AGREEMENT WITH THE NORTHEAST
11 OHIO PUBLIC ENERGY COUNCIL AND DECLARING AN
12 EMERGENCY.
13

14
15 WHEREAS, under Section 4929.26, of the Ohio Revised Code, the City of Cuyahoga Falls,
16 Ohio (the "City") is authorized to establish an opt-out natural gas aggregation program for the
17 benefit of eligible natural gas consumers located within the City; and
18

19 WHEREAS, under Section 4929.26, of the Ohio Revised Code, the City may exercise such
20 authority jointly with other political subdivisions in the State of Ohio; and
21

22 WHEREAS, governmental aggregation provides an opportunity for natural gas consumers
23 collectively to participate in the potential benefits of natural gas deregulation through lower gas
24 rates which they would not otherwise be able to have individually.
25

26 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County
27 of Summit, and State of Ohio, that:
28

29 Section 1. The Council finds and determines that it is in the best interest of the City and
30 certain natural gas consumers located within the City, to establish an opt-out natural gas
31 aggregation program (the "Gas Aggregation Program") in the City, and to enter into a Natural Gas
32 Program Agreement with NOPEC in order to establish a Gas Aggregation Program through
33 NOPEC.
34

35 Section 2. The Mayor is hereby authorized to execute and deliver the Natural Gas Program
36 Agreement of NOPEC (the "Gas Program Agreement"). The Gas Program Agreement shall be
37 substantially in the form presented to Council on file with the Clerk, subject to such changes,
38 insertions and omissions which are consistent with this ordinance and are not substantially
39 adverse to the City and as may be approved by the Council, which approval shall be conclusively
40 evidenced by execution of the Gas Program Agreement.
41

42 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions
43 inconsistent herewith are hereby repealed but any ordinances and resolutions or portions of
44 ordinances and resolutions not inconsistent herewith and which have not previously been
45 repealed are hereby ratified and confirmed.
46

47 Section 4. It is found and determined that all formal actions of this Council concerning and
48 relating to the adoption of this ordinance were adopted in an open meeting of this Council and
49 all deliberations of this Council and any of its committees that resulted in such formal action
50 were in meetings open to the public, in compliance with all legal requirements including Chapter
51 107 of the Codified Ordinances.
52

53 Section 5. This ordinance is hereby declared to be an emergency measure necessary for the
54 preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga

55 Falls and the inhabitants thereof and provided it receives the affirmative vote of two-thirds of the
56 members elected or appointed to Council, it shall take effect and be in force immediately upon
57 its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest
58 period allowed by law.

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61 Passed: _____
62 _____
63 President of Council

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65 _____
66 Clerk of Council

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69 Approved _____
70 _____
71 Mayor

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73 11/20/17
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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. - 2017

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9 AN ORDINANCE APPROVING THE PLAN OF OPERATION
10 AND GOVERNANCE FOR THE NOPEC GAS AGGREGATION
11 PROGRAM FOR THE PURPOSE OF JOINTLY
12 ESTABLISHING AND IMPLEMENTING A GAS
13 AGGREGATION PROGRAM, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, this Council previously enacted legislation authorizing the City of
17 Cuyahoga Falls (the "City") to establish a Gas Aggregation Program pursuant to Section
18 4929.26, of the Ohio Revised Code (the "Gas Aggregation Program"), for the eligible
19 residents, businesses and other gas consumers in the City, and for that purpose, to act
20 jointly with any other municipal corporation, city, county or other political subdivision of
21 the State of Ohio, as permitted by law; and

22
23 WHEREAS, this Council previously enacted legislation authorizing the City to join the
24 Northeast Ohio Public Energy Council so that the City will be able to act jointly with
25 other member political subdivisions and thereby maximize the potential benefits of gas
26 deregulation through group purchasing efforts; and

27
28 WHEREAS, on behalf of this Council pursuant to Section 4929.26, Ohio Revised
29 Code, two (2) public hearings have been held on the Plan of Operation and Governance
30 for the NOPEC Gas Aggregation Program.

31
32 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
33 Falls, County of Summit, and State of Ohio, that:

34
35 Section 1. This Council finds and determines that it is in the best interest of the
36 City, including the gas consumers located within the City to adopt the Plan of Operation
37 and Governance of the NOPEC Gas Aggregation Program, for the purpose of establishing
38 and implementing the Gas Aggregation Program in the City.

39
40 Section 2. Any other ordinances and resolutions or portions of ordinances and
41 resolutions inconsistent herewith are hereby repealed but any ordinances and
42 resolutions or portions of ordinances and resolutions not inconsistent herewith and
43 which have not previously been repealed are hereby ratified and confirmed.

44
45 Section 3. It is found and determined that all formal actions of this Council
46 concerning and relating to the adoption of this ordinance were adopted in an open
47 meeting of this Council and all deliberations of this Council and any of its committees
48 that resulted in such formal action were in meetings open to the public, in compliance
49 with all legal requirements including Chapter 107 of the Codified Ordinances.
50

51 Section 4. This ordinance is hereby declared to be an emergency measure
52 necessary for the preservation of the public peace, health, safety, convenience and
53 welfare of the City of Cuyahoga Falls and the inhabitants thereof and for the further
54 reason that this Ordinance is required to be immediately effective in order to maximize
55 the potential benefits of gas deregulation through the Gas Aggregation Program of
56 NOPEC, and provided it receives the affirmative vote of two-thirds of the members
57 elected or appointed to Council, it shall take effect and be in force immediately upon
58 its passage and approval by the Mayor; otherwise it shall take effect and be in force at
59 the earliest period allowed by law.

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Passed: _____
President of Council

Clerk of Council
Approved _____
Mayor

11/20/17
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