

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

**ORDINANCE NO. 2023 - 77**

AN ORDINANCE AUTHORIZING THE VILLAGE TO ENTER INTO THE SUSTAINABLE OHIO PUBLIC ENERGY COUNCIL (“SOPEC”), THE EXECUTION AND DELIVERY OF THE AGREEMENT ESTABLISHING SOPEC, APPROVING THE BYLAWS OF SOPEC.

**WHEREAS**, the Village Council of New Concord, Ohio (the “Village”) previously enacted legislation authorizing the Village to establish an opt-out electric aggregation program, pursuant to Section 4928.20 of the Ohio Revised Code (the “Electric Aggregation Program”), for the residents, businesses, and other eligible electric consumers located within the Village, if the electorate approves such aggregation, and for that purpose, to act jointly with any other village, city, township, municipal corporation, county, or other political subdivision of the State of Ohio, as permitted by law; and

**WHEREAS**, the Village Council also previously enacted legislation authorizing the Village to establish an opt-out natural gas aggregation program, pursuant to Section 4929.26 of the Ohio Revised Code (the “Natural Gas Aggregation Program”) for the residents, businesses, and other eligible natural gas consumers located within the Village, if the electorate approves such aggregation, and for that purpose, to act jointly with any other village, city, township, municipal corporation, county, or other political subdivision of the State of Ohio, as permitted by law; and

**WHEREAS**, by joining the Southeast Ohio Public Energy Council (dba Sustainable Ohio Public Energy Council) (“SOPEC”), the Village will be able to act jointly with other members of political subdivisions and thereby maximize the potential benefit of electric and natural gas procurement and deregulation, and through group purchasing efforts; and

**WHEREAS**, for the immediate preservation of the public peace, property, health, and safety, and for the further reason that this Ordinance is required to be immediately effective in order to maximize the potential benefit through the Electric Aggregation Program and Natural Gas Aggregation Program, it is necessary that this Ordinance take effect at the earliest possible date.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF NEW CONCORD, COUNTY OF MUSKINGUM, AND STATE OF OHIO, THAT:**

**SECTION 1.** The Village Council finds and determines that it is in the best interest of the Village, including the electric and natural gas consumers located within the Village, to join SOPEC and to adopt the SOPEC Bylaws, for the purpose of establishing and implementing the Electric Aggregation Program and Natural Gas Aggregation Program within the Village, if approved by a majority of the electors voting upon the proposed ballot questions at the general election on November 7, 2023.

**SECTION 2.** The Mayor of the Village is hereby authorized and directed to execute and deliver the Agreement Establishing the Southeast Ohio Public Energy Council (dba Sustainable

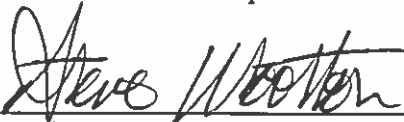
Ohio Public Energy Council) (the "SOPEC Agreement"). The SOPEC Agreement shall be substantially in the form presented to this Village Council and on file with the Clerk, subject to such changes, insertions, and omissions that are consistent with this Ordinance and are not substantially adverse to the Village and as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution of the SOPEC Agreement.

**SECTION 3.** The Village Council hereby approves and adopts the Bylaws of SOPEC in the form attached to the SOPEC Agreement.

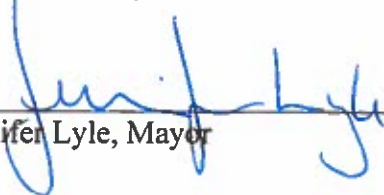
**SECTION 4.** It is found and determined that all formal actions of this Village Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Village Council, and that all deliberations of this Village Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the Village's Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**SECTION 5.** That for the reasons stated in the preamble, which is hereby made a part hereof, this ordinance shall take effect and be in force at the earliest period allowed by law.

Passed: May 8, 2023

  
\_\_\_\_\_  
Steve Wootton, President of Council

Approved: May 8, 2023

  
\_\_\_\_\_  
Jennifer Lyle, Mayor

Attest:

  
\_\_\_\_\_  
Lynn Marlatt, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

  
\_\_\_\_\_  
Lynn Marlatt, Fiscal Officer