

**ORDINANCE NO. 91-24**

**AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY  
TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT  
TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY  
THROUGH NOPEC AS A NOPEC MEMBER**

**WHEREAS**, on January 30, 2002, Council passed Ordinance No. 3-02 authorizing all actions necessary to bring about an Opt-Out Natural Gas Aggregation Program pursuant to Section 4929.26 of the Ohio Revised Code, directing the County Board of Elections to submit a ballot question to the electors on May 7, 2002, authorizing the execution of an agreement with NOPEC for such purposes; and

**WHEREAS**, on May 7, 2002, the electors of Lorain County voted (886 in favor and 440 opposed) to give the City the authority to aggregate the retail natural gas loads located in the City and enter into service agreements for the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt-out; and

**WHEREAS**, on August 12, 2002, Council passed Ordinance No. 128-02 approving the Plan of Operation and Governance for the NOPEC Gas Aggregation Program and for the Purpose of Jointly Establishing and Implementing a Gas Aggregation Program for the City of Avon; and

**WHEREAS**, to expand the natural gas supply options available to residents, businesses and other consumers within the City of Avon, the City now wishes to establish an "opt-in" natural gas aggregation program pursuant to Section 4929.27(A)(1), Ohio Revised Code (the "Opt-In Natural Gas Aggregation Program") for its residents, businesses and other consumers located within the City and, for that purpose, to act jointly with any other city (municipal corporation), village, county or other political subdivision of the State of Ohio, as permitted by law; and

**WHEREAS**, the City wishes to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF AVON, LORAIN COUNTY, OHIO:**

Section 1 - This Council hereby approves and authorizes the establishment of an Opt-In Natural Gas Aggregation Program in the City jointly through NOPEC as a NOPEC member and adopts this Ordinance pursuant to the authority contained in Section 4929.27(A)(1), Ohio Revised Code.

Section 2 - 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 all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading 10-15-24  
Second Reading 10-28-24  
Third Reading 11-11-24

PASSED: November 11, 2024

DATE SIGNED: November 11, 2024

By: Brian Fischer  
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: November 12, 2024

[Signature]

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior  
John A. Gasior, Law Director

ATTEST:

Barbara Brooks  
Barbara Brooks, Clerk of Council

Posted: November 13, 2024  
Electronically and at City Hall as  
Provided by Council

Prepared By:

John A. Gasior, Esq.  
Law Director

I, Barbara J. Brooks, Clerk of the Council of the City of Avon, Ohio, hereby certify this document to be a true and exact copy of Ordinance No. 91-24, passed by the Council of said City on November 11, 2024.

IN WITNESS WHEREOF, I have on this 12th day of November 2024, affixed my signature and official seal.

Barbara J. Brooks  
Barbara J. Brooks, Clerk of the Council  
of the City of Avon, Ohio