

June 11, 2021

TO: Ron Messer, City Council Member, Chair
Government Affairs Committee of City Council

FROM: Brian K. Riblet, City Manager *BKR*

SUBJECT: Government Affairs Committee Meeting of Monday, June 14, 2021

As a reminder, the Government Affairs Committee is scheduled to meet on Monday, June 14 at 4:30 p.m. as a hybrid meeting both at City Hall and via teleconference. To participate in this meeting by teleconference please use the following phone number: 1 (866) 228-9900 with Passcode: 204938. Items to be discussed include:

1. Discussion of an Energy Aggregation Program—Staff would like the opportunity to discuss an energy aggregation program proposed by a Montgomery resident. Staff would like to obtain feedback from the Committee at the meeting.
2. Other Business—The purpose of this agenda item is to provide an opportunity to discuss any issue or ask questions that may be on your mind.

Also, attached are the minutes from the May 10, 2021 meeting of the Government Affairs Committee for review and approval at Monday's meeting.

Should you have questions or concerns pertaining to these topics or have additional items to be discussed at Monday's meeting, please do not hesitate to contact me.

C: Mayor and City Council Members (4)
Connie Gaylor, Administrative Coordinator
Department Heads
File



GOVERNMENT AFFAIRS COMMITTEE OF CITY COUNCIL
10101 Montgomery Road • Montgomery, Ohio 45242
(513) 891-2424 • Fax (513) 891-2498

Agenda
June 14, 2021
4:30 P.M.

The meeting will be offered both in place at City Hall and by teleconference for those who cannot attend in person or feel safer sheltering at home.

To participate in this meeting by teleconference please use the following phone number:
1 (866) 228-9900
Passcode: 204938

1. Call to Order
2. Guests and Residents
3. New Business
 - a. Energy Aggregation
4. Old Business
5. Other Business
6. Approval of Minutes–May 10, 2021
7. Adjournment

June 11, 2021

TO: Government Affairs Committee of Council
FROM: City Manager, Brian K. Riblet *BKR*
SUBJECT: Energy Aggregation

Background

Over the years we have periodically received requests for the City of Montgomery to investigate and/or initiate energy aggregation within the city. As you are aware, recently a Montgomery resident made a similar request at the Montgomery City Council on April 7, 2021. At that meeting it was conveyed that a Government Affairs Committee of Council meeting would be the appropriate format to have a discussion and allow the Committee to review and provide feedback.

Energy aggregation in its' simplest form is when a group or organization, in this case the City of Montgomery, brings a group of customers together to form a large buying group that has the potential to get better electric rate terms than can be realized on an individual basis. Ohio's law allows for local government aggregation by cities, townships or counties, with "opt-in" or "opt-out" provisions for their consumers. All aggregators must be certified by the Public Utilities Commission of Ohio (PUCO) to make sure they are qualified to provide electricity or natural gas in Ohio.

"Opt-in" aggregation is a program that permits each resident to sign up individually to participate. The "opt-in" option does not require voter approval at an election.

"Opt-out" aggregation is a program that does require voter approval at an election and automatically enrolls all local residents, unless they individually opt-out of the program and choose not to be included.

If the local government chooses opt-in aggregation, it must pass a resolution in support of the program, develop a plan and hold two public hearings. It must also be certified by the PUCO before signing up customers. The plan must include all rates and terms for customers to consider when deciding to join.

If the local government chooses opt-out aggregation, a number of additional requirements must be met, including the following:

- A majority of voters must authorize opt-out aggregation in an election. (*The deadline to put an initiative on the 2021 November election is August 4, 2021 at 4:00 p.m.*)
- If authorized by a majority of the vote, the local government must form a plan of operation and management. They must also hold at least two public hearings to allow consumers to voice any concerns over the proposed plan.
- Once the local government has adopted the plan, each consumer that is to be aggregated must be notified that they will be automatically enrolled in the program unless they specifically elect not to participate. This notification must also state the rates, charges, and other terms and conditions of enrollment in the program.
- The local government must allow anyone enrolled in the program an opportunity to opt-out. For natural gas aggregation consumers, the opt-out is available every two years without paying a switching fee. For electric aggregation consumers, the opt-out is available every three years without paying a switching fee.

Some things to consider about government aggregation:

- Consumers in an area where government aggregation has been approved will not need to sign a contract; they are automatically enrolled unless they opt-out.
- Those who do not explicitly opt-out and are in a government aggregation area are automatically included in the municipality's aggregation. If these consumers do not opt-out and then choose a new supplier, they remain customers of the government aggregation program.
- Consumers in an area with government aggregation who want to remain with their local utility will need to opt-out of the aggregation program and switch to their local utility.
- The potential for savings is only an estimate, therefore the City cannot guarantee a financial savings for residents choosing to enter the program.
- In some cases, inquiries and questions are not directed to the consultant/broker/aggregator, but to city staff. This could result in a redirect of staff resources from current responsibilities.

Over the past few weeks staff has reached out to surrounding communities to solicit feedback. Out of 10 jurisdictions it was indicated that 7 communities were currently in an energy aggregation contract and 3 communities were not in an energy aggregation contract. Generally, the feedback received was in the early 2000's the rate differential between Duke Energy rates and aggregate rates were much more significant than they are today making it a less attractive option, however, residents like the jurisdiction doing the research for them.

Staff Recommendation

Over the years staff has only received a few requests to explore the issues of energy aggregation. There is no guarantee of a positive financial impact as the competitive rates now offered by Duke Energy make it more challenging to realize savings through a third-party source, and residents currently are able to shop electric rates and negotiate their own contract with an electric provider without the help of the City, therefore staff is not certain there is a tangible benefit to pursuing this initiative.

These Minutes are a draft of the proposed minutes from the Government Affairs Committee of City Council meeting. They do not represent the official record of proceedings until formally adopted by the Government Affairs Committee of City Council.

City of Montgomery
Government Affairs Committee Minutes
May 10, 2021

Present

Brian Riblet, City Manager
Tracy Henao, Asst. City Manager/Acting Comm. Dev. Dir.
Connie Gaylor, Clerk of Council
Matthew Vanderhorst, Community and Information Services Director

City Council Committee Members Present

Ron Messer, Chair
Lynda Roesch, Teleconference
Craig Margolis

The Government Affairs Committee of Council convened its meeting for May 10, 2021 at 4:30 p.m. in person and by telephone conference with Mr. Messer presiding. This remote access meeting was allowed by emergency legislation adopted last week by the Ohio General Assembly and approved by the Governor. The emergency legislation added language to RC Section 121.22 allowing public meetings by telephone conference during the current pandemic and declared State of Emergency. As required by the statute, notice of the telephonic meeting was publicized more than 24 hours in advance to allow public access through the same conference call in service. The public was also given a backup number to call in the event there were technical difficulties. This Notice was posted on the City's website and a similar Notice was sent to The Cincinnati Enquirer.

Guests and Residents

Mark Laskovics, 10608 Deercreek Lane-Mr. Laskovics explained to the Committee that he was at the meeting to follow up on his attendance to the previous Council meeting in which he spoke about a proposed Energy Aggregation program for the City.

Mr. Messer thanked Mr. Laskovics for coming to the meeting and stated that the Committee was not prepared to discuss his request at the meeting.

Mr. Laskovics explained that his concern was that there was a deadline to submit an application to the Board of Elections in August if it were to be placed on the ballot in November. He asked if staff has checked with surrounding communities.

Mr. Riblet replied that he is currently gathering information from surrounding communities but had not received all of the expected responses. Mr. Riblet stated that staff and the Committee should be ready to discuss at the June Government Affairs Committee. He explained that staff will reach out to him to notify him that the topic is an agenda item so he can attend the meeting.

Mr. Laskovics explained that he would be out of town the first two weeks of June.

Discussion of a Diversity and Inclusion Commission

Mr. Riblet stated that he would like to obtain feedback and a motion of support in interest to formally creating a Diversity and Inclusion (D & I) Commission. He explained that the D & I Committee was formed in 2015 as an advisory committee. He stated that one of his goals from City Council is to further the work of the D & I Committee and the natural progression was to make the transition to a

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formal Commission adopted by Ordinance. He stated this would be comparable to the forming of the Environmental Advisory Commission. Mr. Riblet stated that if approved to become a commission, the Commission would be well represented by the members of the existing Committee. He stated that in Section 6.06 of the City Charter that City Council has the authority to create a new Commission by Ordinance.

Ms. Roesch stated that she wholeheartedly endorsed making the D & I Committee a full Commission. She stated that she felt we could fill the commission with members of the committee who have consistently participated in the past. She stated that she felt this was cutting edge of what city governments were currently doing.

Mr. Margolis stated that he agreed with Ms. Roesch and supports the creation of the D & I Commission. He stated that the filling of the commission from the original committee may be challenging as there is a larger committee than the typical commission.

Mr. Riblet stated that while the appointed members of seven individuals is lower than the amount of committee members that no one would be excluded from attending the meetings and participating in discussion and events. He stated that he felt the Commission would be well represented from the existing committee members.

Mr. Margolis asked if it would be a seven-member commission.

Mr. Riblet replied that to be consistent with the other Boards and Commissions that he felt it should follow the same membership guidelines. Mr. Riblet stated that there is not an urgency in forming the Commission at this time so when the Committee is ready to make a recommendation and share with the full City Council then legislation can be prepared and added to an upcoming agenda.

Mr. Margolis stated that he seen no downside to creating the Commission.

Ms. Roesch added that in the past the Parks and Recreation Commission had two advisory positions who were able to contribute to discussions but were not able to vote. She stated that these positions were valuable and could be something the D & I Commission could consider when forming the members.

Mr. Messer stated that he had logged on to one of the D & I Committee meetings via zoom and heard the comments of one person who was concerned about making the committee an commission as they felt the commission would be constrained in their actions. He asked if this is a concern.

Mr. Riblet stated he didn't feel like there would be constraints as everything a Commission would do is being done informally now by the Committee. He stated that most comments from the Committee members have been positive.

Mr. Margolis moved to approve moving forward in establishing the D & I Committee as a Commission and presenting the motion as a Government Affairs Committee recommendation to City Council. Ms. Roesch seconded. The Committee unanimously agreed,

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Update on the Proposed Memorial Donations/Recognition Policy

Mr. Riblet updated the Committee on the previous discussions regarding revisions to the Memorial Donation Policy. He explained that he sent the revised policy out to City Council and received feedback from the Mayor and Mr. Suer who were supportive with the proposed modifications. He explained that with no other feedback being received that he would like to request a motion by the Committee to formally adopt the changes reviewed at the April 12, 2021 Government Affairs Committee meeting.

Mr. Margolis made a motion to approve the recommended changes to the Memorial Donation/Recognition Policy as discussed at the April 12, 2021 Committee meeting. Ms. Roesch seconded. The Committee unanimously agreed.

Potential Memorial Project

Mr. Riblet updated the Committee on the reviewed suggestions for a memorial for Mrs. Harbison. He stated that Ms. Roesch had also added a suggestion of a Volunteer of the Year Award in Mrs. Harbison's name. He stated that that can easily be added. Mr. Riblet shared that the potential of a bronze statue of Mrs. Harbison sitting on a bench in Montgomery Park was one of the top ideas as a memorial. He stated that he reached out to Colleen Houston of Artworks Cincinnati to work with her on creating a vision of a memorial however she stated that she felt the City already had such a vision of what the memorial would be that she recommended Mr. Riblet reaching out to Tom Tsuchiya, a very well-known sculptor in Cincinnati. Mr. Riblet disburshed information on Mr. Tsuchiya that featured his projects in the Cincinnati area and his approach in creating them. Mr. Riblet met with Mr. Tsuchiya in Montgomery Park and was very impressed at the research he had already conducted regarding Mrs. Harbison. Mr. Tsuchiya made a recommendation of Mrs. Harbison sitting on a bench possibly writing out all of the cards she was well known for sending. Mr. Riblet stated that the estimated amount of \$60,000 - \$70,000 was much lower than the amount he anticipated of being closer to \$100,000. Mr. Riblet stated that he would like to get feedback from the Committee as well as the full Council before moving forward with this vision of the project. He stated that his concern was with raising the public donations that would be needed as the Memorial Donation policy would only allow approximately \$2,000 of public funds to be used. He stated that he did feel we would be able to reach that dollar amount through public donations due to the business community that Mrs. Harbison was so deeply involved with.

Mr. Riblet explained that while in Montgomery Park with Mr. Tsuchiya, they looked at different areas in the park that would be appropriate respite areas to place the statute and bench that would be overlooking the park. Mr. Riblet stated that if there was support to move forward with this vision that Mr. Tsuchiya is comfortable with providing a rendering that could be unveiled at the July 3 events. He stated that the unveiling could be the kickoff of a fundraising campaign. Mr. Riblet explained that this project is uncharted territory as the City has not lost a Council member while in office. He added that we would also want feedback from Mike Harbison and make sure City Council is in line with it first. Mr. Riblet explained that if City Council is supportive of the process that we can begin a fundraising campaign and working with Mr. Tsuchiya who stated that it would be an eight-to-nine-month process. He added that we could estimate a early spring installation.

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Ms. Roesch stated that she thought it was very exciting and wanted to ensure that the initial sub-committee that was formed to brainstorm about the memorial were looped into the discussion, specifically Marcallene Shockey and Greg Leader. Ms. Roesch also commented that the Neuilly-Plaisance fountain ran into issues during its construction so we may want to plan to unveil the statute later such as at the July 4, 2022 events to give the sculptor and ourselves enough time to plan the unveiling ceremony.

Mr. Margolis stated that he thought it was a wonderful idea of having a statute on a bench. He asked if there were alternative materials to use or if bronze was what the sculptor recommended.

Mr. Riblet stated that the sculptor recommended bronze that would be secured to the bench. He stated that the statute would be able to be removed in order to maintain the bench over time. Mr. Riblet added that we could also have plaques made to be placed in the area signifying the private donations. He stated these could be bricks or another appropriate marker.

Mr. Messer stated that at a minimum we would want to advertise the donations at the unveiling.

Mr. Riblet agreed and stated that we would use the unveiling ceremony to publicly thank those who made private donations. Mr. Riblet stated that since the City's financial contribution would be minimal that he expected in-kind labor from staff to be donated and also private donations from staff as well.

Mr. Margolis asked Mr. Riblet if he would like a motion from the Committee.

Mr. Riblet replied a motion could be made by the Committee, but he was ultimately looking for a motion from the full Council.

Mr. Messer stated that he would report on the project at the May 19 Council meeting to obtain feedback and a motion from Council in order to move forward with the project.

Other Business

Mr. Riblet reminded the Committee of the annual City Council staff appreciation pizza luncheon that would normally be managed by Mrs. Harbison. He explained that this luncheon was normally held after all the July events had been held. He proposed July 30 or August 27 as possible dates to hold the luncheon.

Mr. Messer stated that he would share with City Council to determine a date and then he and Mr. Margolis would handle the arrangements.

Mr. Riblet updated the Committee on the status of the Resident Survey. He explained that 980 surveys were received, which may be a all time high for the City. He stated that Eric Rademacher with U.C. is scheduled to be at the May 19 Work Session to present a summary on the survey results.

Mr. Margolis reported that he would be out for the June 2 Business Session but would be back for

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the June 14 Government Affairs Committee.

Guests and Residents

Mr. Messer asked if there were any guests or residents on the line that wished to speak. There was no response.

Minutes

Mr. Margolis moved to approve the April 12, 2021 Government Affairs Committee minutes. Ms. Roesch seconded. The Committee unanimously agreed.

Adjournment

Mr. Margolis moved for adjournment. Ms. Roesch seconded. The Committee unanimously agreed. The Governmental Affairs Committee of Council meeting was adjourned at 5:17 p.m.

Chair