

CITY OF OAKWOOD
COUNCIL AGENDA
JULY 17, 2023

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF JUNE 5 REGULAR SESSION, WORK SESSION & EXECUTIVE SESSION
- V. STATUS REPORTS
- VI. VISITORS
 - May and June Beautification Award Winners
- VII. LEGISLATION
 - An Ordinance to place the 3.75 mill renewal tax levy on the November 7, 2023 ballot, Vice Mayor Byington
 - An Ordinance amending the process for appointing members to the Board of Dayton Regional Energy Special Improvement District, Vice Mayor Byington
 - A Resolution to participate on an opt-in basis in a municipal electric supply aggregation program, Mrs. Turben
 - A Resolution to authorize and direct the Director of Finance to certify certain delinquent charges for cutting noxious weeds and nuisance plant material to the County Auditor for collection, Mr. Stephens
- VIII. STAFF REPORT – PUBLIC SAFETY DEPARTMENT
- IX. AN OAKWOOD MOMENT
- X. CITY MANAGER’S REPORT
- XI. COUNCIL COMMENTS
- XII. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR AUGUST 7, 2023

AN ORDINANCE

BY: VICE MAYOR BYINGTON NO. _____

PROVIDING FOR AN ELECTION ON THE QUESTION OF A RENEWAL TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR CURRENT EXPENSES AND THE GENERAL OPERATION OF THE CITY.

WHEREAS, Council of the city of Oakwood has previously declared the necessity of a renewal tax levy in excess of the ten-mill limitation for the purpose of meeting current expenses for the general operation of the city's governmental services, and has requested that the county auditor certify the total current tax valuation of the subdivision, and the dollar amount of revenue that would be generated by a specified number of mills; and

WHEREAS, having received the county auditor's certification, Council desires to proceed with placing the matter on the ballot for the next general election;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

That pursuant to the provisions of Section 5705.03 of the Revised Code, Council hereby determines to proceed with submitting the question of a renewal tax levy to the electors of the city of Oakwood as set forth herein.

SECTION II.

The question of a renewal levy of 3.75 mills for the purpose of meeting current expenses for the general operation of the city's governmental services for a period of five (5) years beginning with the tax list and duplicate for tax year 2023, the proceeds of which first would be available to the city in calendar year 2024, shall be submitted under the provisions of Section 5705.19(A) of the Revised Code to the electors of the city at the election to be held on the 7th day of November, 2023, as authorized by law. Said election shall be held at the regular places of voting in said District as established by the Montgomery County Board of Elections, or otherwise, within the times provided by law, and shall be conducted, canvassed and certified in the manner provided by law. If a majority of the voters voting thereon vote in favor thereof, said levy will be first placed on the tax list and duplicate for the tax year 2023 for collection in calendar year 2024.

SECTION III.

The form of the ballot to be cast at the election on the question of this tax levy shall be substantially as follows:

PROPOSED TAX LEVY
CITY OF OAKWOOD

A majority affirmative vote is necessary for passage.

A renewal tax for the benefit of the city of Oakwood for the purpose of meeting current expenses at a rate not exceeding 3.75 mills for each one dollar of valuation, which amounts to 37.5 cents for each one hundred dollars of valuation, for a period of five years.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

SECTION IV.

The Clerk of this Council is hereby authorized and directed to certify a copy of this ordinance, along with the county auditor's certification of valuation and a copy of Resolution No. 1908, to the Montgomery County Board of Elections not later than August 7, 2023, and to provide any other notice of said election as provided by law.

SECTION V.

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 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 Section 121.22 of the Ohio Revised Code.

SECTION VI.

This ordinance shall take effect and be in full force immediately upon its passage, as provided by Section 3.04 of the City Charter.

PASSED BY COUNCIL this 17th day of July, 2023.

MAYOR WILLIAM D. DUNCAN

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please certify a copy of this ordinance, together with the Montgomery County Auditor’s certification of valuation and a copy of Resolution No. 1908, to the Montgomery County Board of Elections.

Please also publish in the following summary form:

LEGAL NOTICE

On July 7, 2023, the Council of the City of Oakwood, Montgomery County, Ohio adopted Ordinance No. _____ entitled “AN ORDINANCE PROVIDING FOR AN ELECTION ON THE QUESTION OF A RENEWAL TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR CURRENT EXPENSES AND THE GENERAL OPERATION OF THE CITY.”

Lori Stacel,
Clerk of Council

CITY ATTORNEY ROBERT F. JACQUES

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary form was duly published in the Oakwood Register, a newspaper of general circulation in the said City of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council

AN ORDINANCE

BY: _____ NO. _____

AMENDING ORDINANCE NO. 4907 TO ESTABLISH A PROCESS FOR APPOINTING MEMBERS TO THE BOARD OF THE DAYTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT.

WHEREAS, in 2020 Council authorized the city’s participation in the Dayton Regional Energy Special Improvement District (“Dayton ESID”), a special improvement district created pursuant to Chapter 1710 of the Ohio Revised Code, which allows certain energy-related improvement projects to be funded through an assessment process; and

WHEREAS, Section 1710.04(A) of the Ohio Revised Code requires Council to appoint a person to serve on the Board of Directors for the Dayton ESID; and

WHEREAS, Ordinance No. 4907, adopted on March 2, 2020, appointed the city’s Director of Personnel and Properties to serve on the Board of Directors, but did not include a process to amend that appointment from time to time; and

WHEREAS, Council wishes to amend Ordinance No. 4907 such that subsequent appointments to the Dayton ESID Board of Directors may be made by resolution, avoiding the need for repetitive amending ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

Section III of Ordinance No. 4907 shall be and is hereby amended to read as follows, with new text appearing in **bold** font and deleted text appearing in ~~strike thru~~ font for illustrative purposes:

“That this Council hereby appoints the Personnel and Properties Director to serve **as the city’s initial representative** on the Board of Directors of the District as provided in Ohio Revised Code Section 1710.04(A). **Subsequent appointments may be made by resolution of Council from time to time, as needed.**”

SECTION II.

Except as amended herein, Ordinance No. 4907 shall remain in full force and effect unless and until further amended or repealed by Council.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution 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, if required, in compliance with all legal requirements including Ohio R.C. 121.22.

SECTION IV.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish in summary form set forth below.

City Attorney Robert F. Jacques

LEGAL NOTICE

On _____, 2023, Council of the City of Oakwood passed Ordinance No. _____ entitled "AN ORDINANCE AMENDING ORDINANCE NO. 4907 TO ESTABLISH A PROCESS FOR APPOINTING MEMBERS TO THE BOARD OF THE DAYTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT."

Lori Stacel
Clerk of Council
City of Oakwood

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing summary of the foregoing Ordinance was duly published in the Oakwood Register, a newspaper of general circulation in said City of Oakwood, that said publication occurred on the following date:

Lori Stacel, Clerk of Council

A RESOLUTION

BY: _____

NO. _____

APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE MIAMI VALLEY COMMUNICATIONS COUNCIL RETAIL ELECTRIC SUPPLY AGGREGATION PROGRAM, FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING THE SAME FOR THE CITY OF OAKWOOD.

WHEREAS, this Council has previously enacted legislation authorizing the City to establish electric and natural gas aggregation programs pursuant to Ohio Revised Code Sections 4928.20 and 4929.26 (the “Aggregation Programs”) for the residents, businesses and other electric and natural gas consumers in the City, and for that purpose, to act jointly with any other municipal corporation, township, or county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, the Miami Valley Communications Council (MVCC) has developed an aggregation program for retail electric supply with the goal of providing utility cost savings to customers from participating member and affiliate communities; and

WHEREAS, the MVCC program is primarily an opt-out program, meaning that customers in participating jurisdictions are automatically enrolled unless they take affirmative steps to opt out of the program, but communities may choose to participate on an opt-in basis, meaning that customers are not automatically enrolled but may elect to enroll voluntarily; and

WHEREAS, by joining MVCC’s electric aggregation program the City will be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of electric deregulation through group negotiation; and

WHEREAS, this Council has held two (2) public hearings on the Plan of Operation and Governance for the MVCC electric aggregation program as required by Ohio Revised Code Section 4928.20, and finds that the same will benefit the public health, safety, and welfare of the city of Oakwood;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD:

SECTION I.

The foregoing recitals are adopted as if fully restated herein.

SECTION II.

It is hereby found and determined that this Council held two (2) public hearings on the Plan of Operation and Governance for the MVCC electric aggregation program, with the first hearing taking place on July 17, 2023, and the second hearing taking place on August 7, 2023, with each hearing meeting the necessary notice requirements as set forth in Ohio Revised Code Section 4928.20.

SECTION III.

Council hereby approves and adopts the Plan of Operation and Governance of the MVCC electric aggregation program on file with the Clerk of Council, with a copy of said Plan attached substantially similar in form as Exhibit “1” and incorporated herein.

SECTION IV.

Council hereby consents to join MVCC to act jointly with other member and affiliate political subdivisions for the acquisition and aggregation of electric supply, and authorizes and directs the City Manager to enter into such agreements with MVCC as may be necessary to implement the city’s participation in this retail electric supply aggregation program on an opt-in basis, meaning that such aggregation will occur only with the prior, affirmative consent of each customer who wishes to participate.

SECTION V:

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this 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 Ohio Revised Code Section 121.22.

SECTION VI.

This Resolution shall become effective at the earliest date allowed by law.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD this _____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:
Publication is not required.

City Attorney Robert F. Jacques



Miami Valley Communications Council

Electric Power Aggregation Operation and Governance Plan

For additional information contact Miami Valley Communications Council:

Jay Weiskircher, Executive Director

Phone: 937-424-1660

Email: jweiskircher@mvcc.net

Introduction

The Miami Valley Communications Council (“MVCC”) has developed this Plan of Operation and Governance on behalf of its member and affiliate communities regarding government aggregation of firm, full requirements power supply electric for its consumers (the “Plan” or “Aggregation Program”). The Plan contains information on the structure, governance, operations, management, funding, and policies of the Aggregation Program to be utilized for participating consumers.

MVCC was formed in 1975 as a council of governments according to chapter 167 of the Ohio Revised Code. MVCC has acted as an agent for its members and affiliate communities to monitor, regulate and administer common cable television franchise agreements, manage the operation of the council’s cable access television channels, and develop and implement intergovernmental projects. The council is governed by a policy-making body consisting of delegates representing member cities. The council also has affiliate agreements with 24 other Miami Valley cities.

Now MVCC communities wish to proceed jointly to authorize MVCC to perform as their agent for development and administration of the Aggregation Program. Current Program members are the municipalities of Centerville, Germantown, Kettering, West Carrollton, Trotwood, Brookville, Englewood, Xenia, and Miamisburg. The Program may add other communities and thereby combine additional residential and small commercial customers into a buying pool that will be attractive to third party suppliers (Suppliers). Participation in the Program is voluntary. Any individual customer can decline to be a member of the aggregation program and remain with the AES (Local Utility) standard offer of service or to enter into a service contract with any competitive retail electric supplier.

The MVCC communities have passed the necessary ordinances to place the issue of electric governmental aggregation on the ballot. Voters in each community approved electric aggregation and the community decided to utilize MVCC and the following Plan outlined below. This Plan will not be adopted until two public hearings are held in accordance with Section 4928.20(C) of the Ohio Revised Code.

Process

This Plan allows municipalities to join as either an opt-in municipality (“OIM”) or an opt-out municipality (“OOM”).

If a community joins the Program as an OIM, that community’s eligible residential and small business customers in the authorized areas shall receive an offer letter setting forth the rates, terms, and conditions of the program. To participate the eligible residential and

small business customers must affirmatively enroll in the Program by a specific deadline described in the offer letter.

If a community elects to become an OOM, all eligible residential and small business customers in the authorized areas of MVCC are automatically included as participants in the Aggregation Program unless they opt-out of the program by providing written notice of their intention not to participate. As required by Ohio Law, the various communities jointly participating in the MVCC electric governmental aggregation passed a Resolution or Ordinance, which authorized submitting the selection of opt-out aggregation to the community's voters. The voters approved opt-out aggregation in each community and the community decided to join the MVCC Program.

In addition to each community joining the MVCC program, it is also required to comply with various PUCO regulations. As required by PUCO regulations MVCC will file an application with the PUCO for certification as a Government Aggregator after MVCC approves this Plan. As required by regulations, MVCC advertised public hearing dates to discuss the Plan and held two hearings on the Plan.

MVCC anticipates selection of a Provider after receiving approval from the PUCO as a governmental aggregator. Upon Provider selection an opt-out notice for the MVCC Program will be sent to all eligible electric customers in MVCC's OOM communities setting forth the rates, terms, and conditions of the program. This notice will provide potential Aggregation participants at least 21 days to return an opt-out card or other similar notice.

Contract

The focus of the MVCC Aggregation Program, as noted above, will be the acquisition of competitive prices and terms for power supply. The prices will be set through a competitive process and fully disclosed in either opt-in or opt-out consumer material provided to the potential consumer participants. Each Aggregation consumer shall be individually bound by the terms and conditions found in either the opt-out notice or opt-in letter and the Contract. Each Aggregation participant shall be solely responsible for payment and performance. Said charges shall take the form of either a fixed price or a price representing a percentage or price below the electric distribution utility's ("EDU") avoidable costs ("Avoidable") or Price to compare ("PTC"). These charges will also be available by calling the Provider's toll-free customer service telephone number.

MVCC Program's Retail Electric Generation Provider shall meet each of the following requirements:

- Has sufficient power supplies arranged and structure in place to provide retail firm power to the Members.

- Has a Federal Power Marketer license with the Federal Energy Regulatory Commission.
- Is certified as a CRES by the PUCO.
- Registered as a generation supplier with the EDU prior to flowing power to Members.
- Has appropriate Transmission Service agreement(s) in place to serve the Members.
- Has or has arranged for an Electronic Data Interchange computer network that is capable of handling MVCC's Members requirements with the EDU.
- Has the ability to educate Members on the MVCC Aggregation Program.
- Has or has arranged for a call center capable of handling MVCC's Aggregation Group customer calls.
- Has a toll-free number as required by the PUCO for customer service inquiries and potential complaints related to the MVCC Program.
- Will hold MVCC financially harmless from any financial obligations arising from supplying power to the Members.
- Satisfies the EDU's and MVCC's credit requirements.
- Will assist the MVCC group and its consultant in filing reports required by the PUCO and Sections 4805.10(A), 4911.18(A) and 4928.06(F) of the Ohio Revised Code.

Definitions

To clarify certain terminology, the following terms shall have the meanings set forth below:

“Aggregation Program” or “Program” means the program developed by MVCC, as a Government Aggregator under Section 4928.20 Ohio Revised Code, to provide eligible residential and small business consumers with retail electric generation services.

“Government Aggregator” means Miami Valley Communications Council using its legislative authority to act as an aggregator for the provision of a competitive retail electric service under the authority conferred under Section 4928.20 of the Ohio Revised Code.

“Member” or “Aggregation Participant” means a person or consumer enrolled in the MVCC Program for competitive retail electric services.

“Retail Electric Generation Provider” (“Provider”) means an entity certified by the Public Utilities Commission of Ohio (“PUCO”) to provide competitive retail electric service(s), and which is chosen by MVCC to be the entity responsible to provide the required service related to Government Aggregation as defined in Section 4928.20 of the Ohio Revised Code and applicable provisions of the rules of the PUCO.

“Competitive Retail Electric Service” (“CRES”) means a component of electric retail service that is deemed competitive pursuant to the Ohio Revised Code or pursuant to an order of the PUCO.

Governmental Aggregation Services

The Aggregation Program is designed to reduce the amount participating consumers pay for electric energy, and to gain other favorable economic and non-economic benefits from Ohio's competitive retail electric market. The Aggregation Program achieves the favorable benefits by combining the electric loads of residential customers and small commercial consumers into a buying group ("Aggregation Group"). MVCC will not buy and resell power but will represent consumers interests as a purchasing agent ("Purchasing Agent") for the Aggregation Group. This means that MVCC will be a Governmental Aggregator, as defined by Ohio law and the rules established by the PUCO, and shall act on behalf of eligible residential and small commercial consumers in the MVCC municipalities to: 1) select a Retail Electric Generation Provider ("Provider") to supply the Aggregation Group; 2) negotiate the terms of supply between the Provider and each Aggregation participant; and 3) oversee the enrollment procedures administered by the Provider.

Provider

MVCC will use its Provider to perform and manage aggregation services for its Members. The Provider shall provide adequate, accurate, and understandable pricing terms and conditions of service, including any switching fees and the conditions under which a Member may rescind a contract without penalty. The Provider must provide MVCC or its authorized consultant, if requested, an electronic file containing the Members usage, and charges. Upon request this information shall be sent to MVCC or its authorized consultant within 30 days. The Provider must have local and/or a toll-free number for Members to call.

Database

The MVCC will provide a letter to the Provider authorizing the Provider to obtain the list of eligible customers from the local utility and will be relying on the EDU to provide an accurate list of eligible customers. The consultant and Provider will use that list and remove customer records that have returned opt-out forms, are Percentage of Income Payment Plan (PIPP) customers or are ineligible due to being a mercantile customer.

The Provider will build and maintain a database of all Members. The database will include all necessary information for the Provider and MVCC to serve the Aggregation. This information includes but is not limited to the name, address, account number or other EDU identifying number(s), and Retail Electric Generation Provider's account number of the Member, and other pertinent information such as rate code, rider code (if applicable), most recent 12 months of usage and demand, and meter read cycle. This database will be updated

and provided to MVCC and/or its consultant at least every quarter. Accordingly, the Provider will implement a process to accommodate at Members that: 1) leave the program due to relocation, opting out, etc.; 2) decide to enter or opt-into the Program; 3) relocate within eligible areas within the boundaries of MVCC member communities; and 4) move into the MVCC member communities boundaries and desire to enter or opt-in to the Program. This database shall also be capable of removing PIPP customers from the Program, should that be necessary, and those who have opted out. The Provider will use this database to perform bill audits for clerical and mathematical accuracy of Member generation supply bills.

Member Education

The Provider will develop, with the assistance of MVCC and its authorized consultant, a retail electric competition consumer educational program that generally explains the Aggregation Program to its Members. The program will, when practical, provide consumer education messages that are consist with the Aggregation Program designed purpose, provide updates and disclosures mandated by Ohio law and PUCO rules, and implements a process to deal with allowing any person enrolled in the Aggregation Program the opportunity to opt out of the program at least every three years, without paying a switching fee to MVCC or the Provider.

Customer Service

The Provider will provide the customer service process that, at a minimum, will accommodate: 1) Member inquiries and complaints about billing; and 2) answer questions regarding the Program in general. This process will, at a minimum, include a description of how telephone inquiries will be overseen (either internally or externally), how invoices will be prepared, how remittance of payment will be dealt with, and how collections for delinquent accounts will be addressed. See Appendix B for a detailed description of the Customer Service Plan.

Billing

MVCC will use the Provider, or its designated agent, to provide billing services to each Member for the Competitive Retail Electric Services, with no additional administrative fee. At this time, the EDU will render the billing statement, which should be consistent with all applicable guidelines issued by the PUCO. As this market develops, MVCC may, at its option and in consultation with the Provider, change this function to the Retail Electric Generation Provider or a billing agency.

Credit and Deposit Policies

Collection and credit procedures remain the responsibility of the EDU, the Provider, and the individual Member. Members are required to remit and comply with the payment terms

of the Local Utility. This Program will not be responsible for late or no payment on the part of any of its members. MVCC will have no separate credit or deposit policy.

Customer Service Procedures & Dispute Resolution

Members will have multiple means of addressing complaints. As a general rule, concerns regarding service reliability and billing should be directed to the EDU. The EDU continues to read meters, handle billing, and generally have the most information about a customer's account. Questions regarding the Program administration should go to the consultant, and any unresolved disputes should be directed to the Public Utilities Commission of Ohio. Listed below is a table of toll-free numbers for members to call for assistance.

Compliance Process

The Provider will have internal controls and processes that ensure the MVCC remains in good standing as a Government Aggregator and that it complies with all laws, rules and regulations surrounding the same, as they may be amended from time to time. The Provider will deliver periodic reports to MVCC and its consultant that will include at a minimum (i) the number of Members participating in the Program; and (ii) savings estimates or increase from the previous year's baseline. The Provider will also develop a process to monitor and provide notification to MVCC of any changes in laws, rules, or regulations.

Notification to EDU

In MVCC's OOM potential Aggregation participants that do not opt-out of the Aggregation Group will be enrolled automatically in the Aggregation Program. Such Members in the Aggregation Group will not be asked to take other affirmative steps to be included in the Group. In MVCC's OIM, potential Aggregation participants must affirmatively enroll in the Program to join the Aggregation Program. To the extent that the EDU requires notification of participation, MVCC will coordinate with its Provider to provide such notice to the EDU. The Provider will inform the EDU of any individuals who may have been permitted to join the Aggregation Group after the expiration of the enrollment period.

Opt-Out Activation of Service

In an MVCC OOM, all eligible electric customers in the MVCC Program shall be sent a notice that provides 21 days to opt out of the Program. All eligible customers who do not opt out will be automatically enrolled in the Program. During this opt-out period eligible consumers may opt-out of MVCC's Aggregation Group without fees charged by the Provider or MVCC. Generation service activation will occur thereafter without consumer action beginning on the customer's normal meter read date within the month when power deliveries begin under the Aggregation Program.

Opt-In Municipalities Activation of Service

After an offer letter is sent to eligible electric customers in the OIM the potential Aggregation Participant shall have 21 days to affirmatively enroll in the Program. Generation service activation will occur thereafter without consumer action beginning on the customer's normal meter read date within the month when power deliveries begin under the Aggregation Program.

Changes, Extension or Renewal of Service

At least every three years all consumers eligible to participate in MVCC's Program in an OOM will be given an opportunity to opt into or out of the Program, and reasonable notice will be provided as required by law and PUCO rules. Participants will also be notified of their right to select an alternate generation supplier and of their ability to return to EDU's Standard Service Offer. At least every three years consumers eligible to participate in MVCC's Program in an OIM will be given an opportunity to re-enroll, and reasonable notice will be provided as required by law and PUCO rules.

Termination of Service

If the Contract is terminated prior to the end of the term, each individual Member of the Aggregation Group will receive written notification of the termination of the Program at least sixty (60) days prior to termination of service. If the Contract is not extended or renewed, Members will be notified as required by law and the CRES rules of the PUCO in advance of the end of service. Members will also be notified of their right to select an alternate generation supplier and of their ability to return to the EDU's Standard Service Offer upon termination.

Opt-In Procedures

Eligible consumers may request to join the Aggregation Group after the expiration of any enrollment period by contacting the Provider. The Contract shall determine whether the Provider accepts them into the Program, and, if so, at what rate. The agreed upon policy in the Contract shall be consistent with the EDU's service activation requirements. Aggregation Group participants who move from one location to another within eligible areas of MVCC shall retain their participant status.

Opt-out Outside Enrollment Period

Members who switch to a different generation supplier after the expiration of the Opt-out period or affirmatively enrolling will be allowed to do so in correlation with the consumer's next scheduled meter read date but may be charged a switching fee in an amount and method determined by the Contract. Switching to a different generation supplier on the next meter read date, however, will occur when the next meter read date is twelve (12) business days or more from the date of the consumer's notice of intent to opt-out of the Aggregation Group. Notification of intent to opt-out of the Aggregation Group may be made by contacting the Provider by telephone or in writing. Members who opt-out of the Aggregation Group will default to the EDU's Standard Service Offer, until the consumer selects an alternate generation supplier.

MISCELLANEOUS GOVERNANCE GUIDELINES

- A. The MVCC municipalities shall approve through Resolution or Ordinance the Plan of Operation and Governance for the Aggregation program and any Amendments thereto.
- B. MVCC shall contract with only Retail Electric Generation Providers certified by the Public Utilities Commission of Ohio for the provision of Competitive Retail Electric Service to the Aggregation Program Members.
- C. MVCC will require any Provider to disclose any subcontractors that it uses in fulfillment of the services described above.
- D. MVCC will require the Provider to maintain either a toll-free telephone number, or a telephone number that is local to MVCC Program Members.

Liability

MVCC shall not be liable to Members in the Aggregation Group for any claims whatsoever arising out of the aggregation program or the provision of aggregation services by MVCC or the Provider. Aggregation Group members shall assert any such claims solely against the Provider pursuant to the Power Supply Agreement, under which such participants are express third-party beneficiaries.

Availability of Plan of Operation and Governance

Copies of this plan are available from MVCC free of charge. Contact the MVCC office at 937-438-8887, for a copy or for more information.

Consumer Right to Contact PUCO and Ohio Consumers Counsel

Any electric customer, including any participant in the MVCC Electric Aggregation Program, may contact the Public Utilities Commission of Ohio (PUCO) for information, or make a complaint against the Program, the Provider. The PUCO may be reached toll free at 1-800-686-7826. The PUCO may be reached at 1-800-686-1570 for all TDD/TYY calls. The Ohio Consumers' Counsel may be reached at 1-877-742-5622.

Appendix A -- Education Process

The Provider will develop an educational program in conjunction with MVCC. Its purpose will be to explain the aggregation program to MVCC Members, provide updates and disclosures as mandated by State law and the rules of the PUCO, and provide the opportunity for the members to opt out of the program. The following are the program components:

1. Each eligible consumer within the MVCC OOM limits will receive via U.S. Mail notification of: what government aggregation means, their membership in the government aggregation program, the procedure which must be followed in order to opt out of the program, the price that they can expect to receive as a member of the program, and the deadline for returning the opt out form. See the attached letter.
2. The Provider will work with MVCC to provide opportunities for educating eligible MVCC consumers about the Program and their rights under the law, PUCO rules and this Program. In addition, the Provider and MVCC will work to provide education about and other opportunities for energy efficiency measures to help consumers reduce energy consumption.
3. The Provider will provide updates and disclosures as mandated by State law and rules of the PUCO.
4. For MVCC OOM, the opt-out opportunity will be provided to the Members of the program at least every three years. Should conditions, suppliers, price, or any other component of the program change within the three-year period, participants will be given a notice of their opportunity to opt out of, or into the program.

Nov __, 2022

DRAFT

Dear _____ Resident/Small Commercial Customer,

Miami Valley Communications Council is providing you the opportunity to join other residents to save money on the electricity you use. Savings are possible through governmental aggregation, where your community officials bring together citizens to gain group buying power for the purchase of electricity from a retail electric generation provider certified by the Public Utilities Commission of Ohio. Your community voters approved this program in May 2003.

After researching competitive electricity pricing options for you, MVCC has chosen _____ to provide you with electric generation through _____. There is no cost for enrollment and you will not be charged a switching fee. You do not need to do anything to participate.

As a member of this aggregation, your electricity supplies will be priced at _____ or approximately _____ below your Price to Compare. Your Price to Compare is essentially the price you pay for electric generation from the utility and consists of generation and transmission related components, which are the costs associated with generating the power and delivering it through the transmission system.

To estimate what your savings per kilowatt-hour (KWH) will be through this program, locate your Price to Compare on your electric bill. Divide your Price to Compare by 100 then _____ to estimate your savings per KWH. Multiply that number by your total monthly usage to determine how much you can expect to save each month you use the same amount of electricity.

You will see your electric savings after your enrollment has been completed and your switch has been finalized – approximately 30 - 45 days, depending upon your meter read date. Of course, you are not obligated to participate in the MVCC electric governmental aggregation program. If you wish to be excluded from the program and remain a full-service customer of your local electric utility – _____ – you have until _____ to return the attached “opt-out” form. If you do not opt out at this time, you will receive a notice at least every three years asking if you wish to remain in the program. You can leave the program at any time.

After you become a participant in this governmental aggregation program, your local electric distribution utility will send you a notice confirming your selection of _____ as your electric generation provider. As required by law, this letter will inform you of your option to cancel your contract with _____ within seven days of its postmark. To remain in MVCC’s governmental aggregation program, you do not need to take any action when this letter arrives.

Your local electric distribution utility will continue to maintain the system that delivers power to your home or business – no new poles or wires will be built by _____. You will continue to receive a single, easy-to-read bill from your local electric utility that includes with your _____ charges included. The only thing you will notice is savings.

If you have any questions, please call _____ toll-free at 1-866-XXX--XXXX, Monday through Friday, 8 a.m. to 5 p.m.

Sincerely,

DRAFT

To receive these savings, you do not have to do anything.

If you do not want to participate in the MVCC electric governmental aggregation program, Return the opt-out form in by the deadline date listed.

Option 1: Do nothing and save.

If you want to participate in this program and save, you do not need to return this form. Your enrollment is automatic.



Option 2: Opt out by returning this form.

If you do not want to participate in this program, you must return this form before the due date.

Account #

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Service address (City, state, and Zip): _____

Phone number: _____

Account holder's signature: _____ Date: _____

Opt Out Deadline Date:

Mail by _____, 2022 to MVCC Electric Governmental Aggregation Program,

Nov __, 2022

(OIM)DRAFT

Dear _____ Resident/Small Commercial Customer,

Miami Valley Communications Council is providing you the opportunity to join other residents to save money on the electricity you use. Savings are possible through governmental aggregation, where your community officials bring together citizens to gain group buying power for the purchase of electricity from a retail electric generation provider certified by the Public Utilities Commission of Ohio. Your community voters approved this program in May 2003.

After researching competitive electricity pricing options for you, MVCC has chosen _____ to provide you with electric generation through _____. There is no cost for enrollment and you will not be charged a switching fee. You do not need to do anything to participate.

As a member of this aggregation, your electricity supplies will be priced at _____ or approximately _____ below your Price to Compare. Your Price to Compare is essentially the price you pay for electric generation from the utility and consists of generation and transmission related components, which are the costs associated with generating the power and delivering it through the transmission system.

To estimate what your savings per kilowatt-hour (KWH) will be through this program, locate your Price to Compare on your electric bill. Divide your Price to Compare by 100 then _____ to estimate your savings per KWH. Multiply that number by your total monthly usage to determine how much you can expect to save each month you use the same amount of electricity.

You will see your electric savings after your enrollment has been completed and your switch has been finalized – approximately 30 - 45 days, depending upon your meter read date. Of course, you are not obligated to participate in the MVCC electric governmental aggregation program. If you wish to be excluded from the program and remain a full-service customer of your local electric utility, do nothing. If you would like to join the program, you must return the attached “opt-in” form by _____, 2022. _____ You will receive a notice at least every three years asking if you wish to remain in the program. You can leave the program at any time.

After you become a participant in this governmental aggregation program, your local electric distribution utility will send you a notice confirming your selection of _____ as your electric generation provider. As required by law, this letter will inform you of your option to cancel your contract with _____ within seven days of its postmark. To remain in MVCC’s governmental aggregation program, you do not need to take any action when this letter arrives.

Your local electric distribution utility will continue to maintain the system that delivers power to your home or business – no new poles or wires will be built by _____. You will continue to receive a single, easy-to-read bill from your local electric utility that includes with your _____ charges included. The only thing you will notice is savings.

If you have any questions, please call _____ toll-free at 1-866-XXX--XXXX, Monday through Friday, 8 a.m. to 5 p.m.

Sincerely,

Miami Valley Communication Council

(OIM) DRAFT

To receive these savings, please return this completed form by _____, 2022.

residents in MVCC Electric Governmental Aggregation Program.

Opt in Complete the form below and save.
If you want to participate in this program and
save, you need to return this form.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Service address (City, state, and Zip): _____

Phone number: _____

Account holder's signature: _____ Date: _____

Opt In Deadline Date:

Mail by _____, 2022 to MVCC Electric Governmental Aggregation Program,

Appendix B --- Customer Service Plan

A. Member Access:

1. Provider shall ensure Members reasonable access to their service representatives for inquiries, complaints, to discuss charges on Member bills, and transact any other business.
2. Telephone access shall be toll free and afford Members prompt answer times during normal business hours, as follows:

_____ **Corporation**
Address: _____
City: _____, _____
Toll-free telephone number: 1- _____
Hours: _____

3. Provider shall provide a 24-hour automated telephone message instructing callers to report any service interruptions or electrical emergencies to the EDU with appropriate phone numbers.

B. Member Complaints:

1. Provider shall investigate Member complaints (including complaints referred by EDU) and provide a status report within five calendar days following receipt of the complaint to:
 - a. The consumer when the complaint is made directly to the Provider; or
 - b. The consumer and The PUCO Staff (“Commission Staff”) when a complaint is referred to the Provider by the Commission Staff.
2. If an investigation is not completed within 14 calendar days, the Provider shall provide status reports to the consumer and MVCC, or if applicable, to the consumer, MVCC, the MVCC consultant and the Commission Staff. Such status reports shall be provided at five-day intervals until the investigation is complete, unless the action that must be taken will require more than five days and the Member has been so notified.
3. Provider shall inform the Member, or the Member, MVCC, MVCC consultant and Commission Staff, of the results of the investigation, orally or in writing, no later than five calendar days after completion of the investigation. The consumer, MVCC, the MVCC consultant, or Commission Staff may request the report in writing.

4. If a residential consumer disputes the Provider report, it shall inform the consumer that the Commission Staff is available to help resolve informal complaints. The provider shall provide the consumer with the current address, local/toll free telephone numbers, and TDD/TTY telephone numbers of the Commission's consumer services department.
5. Provider shall retain records of Member complaints, investigations, and complaint resolutions for one year after the occurrence of such complaints and shall provide such records to the Commission Staff within five calendar days of request.
6. Provider shall make good faith efforts to resolve disputes.

C. Member Billing and Payments

1. The provider shall arrange for the EDU or its agent to bill Members for such services according to a tariff approved by the commission. Residential Member bills issued by or for the Provider shall be accurate and understandable, be rendered at intervals consistent with those of the EDU and contain sufficient information for Members to compute and compare the total cost of competitive retail electric service (s). Such bills shall also include:
 - a. The Member's name, billing address, service address, the Member's EDU account number, and if applicable, Provider account number;
 - b. The dates of service covered by the bill, an itemization of each type of competitive service covered by the bill, any related billing components, the charge for each type of service, and any other information the Member would need to recalculate the bill for accuracy;
 - c. The applicable billing determinants, including beginning meter reading, ending meter reading(s), demand meter reading(s), multipliers, consumption(s), and demands;
 - d. For Member-generators with net metering contracts, a statement of the net metered generation;
 - e. The unit price per kWh charged for competitive service, as calculated by dividing current-period competitive service charges by the current-period consumption;
 - f. An identification of the provider of each service appearing on the bill;
 - g. The amount billed for the current period, any unpaid amounts due from previous periods, any payments or credits applied to the Member's account during the current period, any late payment charges or gross and net charges, if applicable, and the total amount due and payable.

2. The due date for payment to keep the account current. Such due date shall be no less than:
 - a. Fourteen days after the postmark date on the bill for residential Member and Twenty-one days after the postmark date or the bill for nonresidential Members;
 - b. Current balance of the account if a residential Member is billed according to a budget plan;
 - c. Options and instructions on how Members may make their payments;
 - d. For each provider, whose charges appear on the bill, a listing of the provider's toll-free telephone number and address for Member billing questions or complaints;
 - e. A listing of the toll-free consumer assistance telephone numbers and available hours for applicable state agencies, such as the commission, the Ohio Consumers' Counsel, and the Ohio Attorney General's office;
 - f. The AES Ohio or other EDU 24-hour local/toll-free telephone number for reporting service emergencies;
 - g. Identification of estimated bills or bills not based upon actual end-of-period meter readings for the period; and
 - h. An explanation of any codes and abbreviations used.
3. If applicable, Provider will, upon request, provide Members with the name and street address/location of the nearest payment center and/or authorized payment agent.
4. If applicable, when a Member pays the bill at a payment center or to an authorized payment agent, such payment shall be credited to the Member's account as of the day such payment center or agent receives it.
5. MVCC and the Provider shall establish policies and procedures for handling billing disputes and requests for payment arrangements.

D. Collections for delinquent accounts:

The EDU's credit and collection policies will apply to Program Members and shall be administered by the EDU. Neither the Governmental Aggregator, nor Provider, will implement additional policies with respect to credit, deposits, and collections. Failure to pay for Competitive Retail Electric Services may result in cancellation of the Member's contract with the Provider and return the Member to the EDU's Standard Service Offer.

A RESOLUTION

BY: _____

NO. _____

A RESOLUTION TO AUTHORIZE AND DIRECT THE DIRECTOR OF FINANCE TO CERTIFY CERTAIN DELINQUENT CHARGES FOR CUTTING NOXIOUS WEEDS TO THE COUNTY AUDITOR FOR COLLECTION.

WHEREAS, after notice, as required by law, the owners of the property hereinafter described failed to cut the noxious weeds growing upon such property, and this Council heretofore caused such noxious weeds to be cut and destroyed; and

WHEREAS, such owners have heretofore been notified of the costs incurred in connection therewith with a request for payment and have refused or failed to pay such costs; and

WHEREAS, Section 731.54 of the Ohio Revised Code and Section 551.05 of the Codified Ordinances of the city of Oakwood authorize the City to make written return to the County Auditor of a statement of charges for its services in cutting such noxious weeds and provides further that such amount shall be collected as other taxes and returned to the municipal corporation with the general fund; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I:

That the charges for cutting noxious weeds, an aggregate amount of \$1,925.07, as specified in Exhibit A, are hereby found and determined to have not been paid and are hereby returned to the County Auditor in accordance with Section 731.54 of the Revised Code and Section 551.05 of the Codified Ordinances of the city of Oakwood.

SECTION II:

That the Director of Finance is hereby authorized and directed to certify such delinquent charges, together with a certified copy of this resolution, to the Auditor of Montgomery County who shall enter the same on the tax duplicate to be collected as other taxes are collected.

SECTION III:

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council and that all deliberations of this 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 Section 121.22 of the Ohio Revised Code.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD this _____ day of _____, 2023.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:
Publication is not required.

City Attorney Robert F. Jacques

EXHIBIT A
CITY OF OAKWOOD
2023 NOXIOUS WEEDS CERTIFICATION

ACCOUNT	PARCEL ID	LOCATION	CERTIFIED AMOUNT
04082-002 (THOMAS, SCHANTZ G.)	Q71 00708 0002	825 FAR HILLS	636.07
00356-002 (PINARD, JOSHUA)	Q71 01208 0016	441 EAST DR	387.86
05149-002 (POLETE, SEAN)	Q71 00603 0004	410 RUBICON RD	376.58
02802-002 (HAWK, BARBARA SPENCER)	Q71 01403 0016	339 FORRER BLVD	186.83
07825-002 (CEO CHAPIN LLC)	Q71 01502 0001	1006 ACORN DR	179.31
08053-002 (CHATTERTON, STEPHEN & KRISTINE)	Q71 00104 0028	665 FAR HILLS AVE	158.42
			<u>\$ 1,925.07</u>