

RECORD OF ORDINANCES

CITY OF UPPER ARLINGTON

STATE OF OHIO

ORDINANCE NO. 45-2023

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

WHEREAS, the City Council of Upper Arlington, Ohio (the “City”) previously enacted legislation authorizing the City 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 City, 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 City will be able to act jointly with other members of political subdivisions and thereby maximize the potential benefit of electric deregulation through group purchasing efforts; and

WHEREAS, pursuant to Section 4928.20, Ohio Revised Code, the two (2) required public hearings on the Plan of Operation and Governance (the “Plan”) for the SOPEC Electric Aggregation Program are being held on September 11, 2023, and September 18, 2023; 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, it is necessary that this Ordinance take effect at the earliest possible date.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. The City Council finds and determines that it is in the best interest of the City, including the electric consumers located within the City, to join SOPEC and to adopt the SOPEC Bylaws, for the purpose of establishing and implementing the Electric Aggregation Program within the City.

SECTION 2. The City Manager of the City 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 City Council and on file with the City Clerk, subject to such

changes, insertions, and omissions that are consistent with this Ordinance and are not substantially adverse to the City and as may be approved by the City Manager, which approval shall be conclusively evidenced by the execution of the SOPEC Agreement.

SECTION 3. The City 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 City Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council were in meetings open to the public, in compliance with all legal requirements including the City's Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 5. This ordinance is effective immediately upon passage.