

Ordinance No. 669-2023

**By Council Members Kazy and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Finance and/or Public Utilities to enter into one or more agreements to join the Southeast Ohio Public Energy Council dba Sustainable Ohio Public Energy Council for the purpose of joining their electric aggregation services and power supply program to serve residential and small commercial customers in the City of Cleveland for one year starting with August 2023 meter read dates; and adopting SOPEC'S Plan of Operation and Governance.

WHEREAS, the City of Cleveland (the "City") seeks to participate and join in the Southeast Ohio Public Energy Council dba Sustainable Ohio Public Energy Council's ("SOPEC") electric aggregation services and power supply program established for the benefit of its member communities; and

WHEREAS, governmental aggregation provides an opportunity for the City to combine the electric loads of its eligible residents and small commercial customers and offer electrical customers the ability to participate in any benefits of electric deregulation; and

WHEREAS, Section 4928.20 of the Revised Code permits a municipality to create a retail electric aggregation program and thereby combine the electricity loads of its eligible residents and small commercial customers for the purpose of seeking sources of electricity for such customers; and

WHEREAS, on November 7, 2000, the electors of the City voted to authorize such a program in the City; and

WHEREAS, under Section 4928.20 of the Revised Code, the City is authorized to establish an opt-out electric aggregation and power supply program for the benefit of eligible residential and small commercial customers located in the City for a period of one year beginning with the August 2023 meter read cycle, with two one-year options to renew, exercisable by additional legislative authority (the "Program"); and

WHEREAS, under Ordinance No. 631-2023, the City desires to enter into one or more contracts with SOPEC to participate in SOPEC's Program; and

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WHEREAS, under division (C) of Section 4928.20 of the Revised Code, the legislative authority of a municipality developing an automatic aggregation program is required to adopt a Plan of Operation and Governance (“POG”) for the Program; and

WHEREAS, on behalf of this Council under division (C) of Section 4928.20 of the Revised Code, this Council caused to have published the requisite notice of the POG for the Program in a newspaper of general circulation on May 20, 2023 and May 27, 2023, and two public hearings will have been duly held; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council finds and determines that it is in the best interest of the City of Cleveland, and eligible residential and small commercial electric customers within the City, to join the opt-out electric aggregation services and power supply program offered by SOPEC on the basis of SOPEC’s proposals dated 5/1/23 and 5/5/23 which are referenced in Ordinance No. 631-2023.

Section 2. That the Director of Finance and/or Public Utilities is authorized to enter into one or more agreements with SOPEC for the purpose of joining SOPEC, approving SOPEC’s bylaws, and joining the Program. The Agreement or agreements shall be substantially in the form contained in **File No. 669-2023-A**, subject to such changes as the Director of Law deems necessary to protect and benefit the public interest.

Section 3. That this Council adopts the POG substantially in the form contained in the above-mentioned file for the implementation and administration of the Program under Section 4928.20 of the Revised Code.

Section 4. That the Director of Finance and/or Public Utilities, or the City’s designee, shall serve as the City of Cleveland’s representative to the appropriate

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legislative body of SOPEC to represent the City and the City's interest. The representative shall serve in their official capacity.

Section 5. That 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 the law.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

GB:nl
5-22-2023
FOR: Directors Abonamah and Keane

By Council Members Kazy and Griffin (by departmental request)

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READ FIRST TIME on MAY 22, 2023

REPORTS

**and referred to DIRECTORS of Public Utilities, Finance, Law;
COMMITTEES on Utilities, Finance Diversity Equity and Inclusion**

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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COMMITTEE ON
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