



## ORDINANCE 2025-11

**AN ORDINANCE TO AUTHORIZE ALL ACTIONS NECESSARY TO EFFECTUATE AN OPT-OUT ELECTRIC SERVICE AGGREGATION PROGRAM PURSUANT TO OHIO REVISED CODE 4928.20 AND DIRECTING THE DELAWARE COUNTY BOARD OF ELECTIONS TO SUBMIT THE BALLOT QUESTION TO THE ELECTORS OF THE CITY OF POWELL.**

**WHEREAS**, Section 4928.20 of the Ohio Revised Code authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, subject to opt-out provisions, competitive electric service for retail electric loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the electricity loads; and

**WHEREAS**, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

**WHEREAS**, governmental aggregation may permit residential and small business customers to realize lower electric rates from the collective purchasing of electric services; and

**WHEREAS**, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other electric consumers in the City and in conjunction jointly with any other municipal corporation, township, county, or other political subdivision or entity of the State of Ohio, as permitted by law.

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, STATE OF OHIO AS FOLLOWS:**

Section 1: That provided this Ordinance and the Aggregation Program is approved by the electors of the City of Powell pursuant to Section 2 of this Ordinance, the City of Powell is hereby authorized to aggregate in accordance with Section 4928.20 of the Ohio Revised Code, the retail electric loads located within the City of Powell, and, for that purpose to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City of Powell may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision or entity of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 4 of this Ordinance.

Section 2: That the Board of Elections of Delaware County is respectfully directed to submit the following question, in language approved by the Board of Election, to the electors of the City of Powell at the general election on November 4, 2025:

"Shall the City of Powell have the authority to aggregate the retail electric loads located in the City, and for that purpose, enter into service agreements to facilitate those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?"

The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 of the Ohio Revised Code.

Section 3: That the Clerk of Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than 90 days prior to November 4, 2025.

Section 4: That upon approval of a majority of the electors voting at the election provided for in Section 2 of this Ordinance, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center with the City unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a state procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program at any time without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35 of the Ohio Revised Code until the person chooses an alternative supplier.

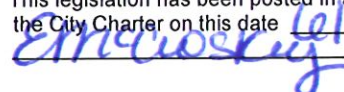
Section 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

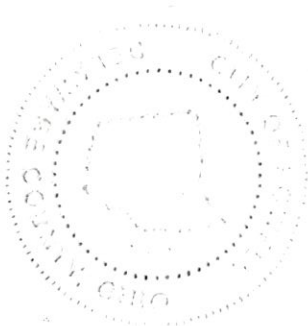
  
\_\_\_\_\_  
Tom Counts  
Mayor

6/17/25  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Elaine McCloskey  
City Clerk

**EFFECTIVE DATE:** July 18, 2025

This legislation has been posted in accordance with  
the City Charter on this date 6/18/2025  
\_\_\_\_\_  
City Clerk



Kurt Ramsey

Leif Carlson

David Lester

City Council  
Tom Counts, Mayor

Heather Karr

Ferzan Ahmed

Tyler Herrmann