

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2023-15**

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

**WHEREAS**, Council for the Village of Yellow Springs, Ohio (the “Village”) previously enacted legislation (Ordinance 2023-12) authorizing the Village to establish an opt-out natural gas aggregation program, pursuant to Section 4929.26 of the Ohio Revised Code (the “Natural Gas Aggregation Program”) for the residents, businesses, and other eligible natural gas consumers located within the Village, 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 Village will be able to act jointly with other members of political subdivisions and thereby maximize the potential benefit of natural gas deregulation through group purchasing efforts; and

**WHEREAS**, Village Council, pursuant to Section 4929.26, Ohio Revised Code, has held two (2) public hearings (March 17 and March 20, 2023) on the Plan of Operation and Governance (the “Plan”) for the SOPEC Natural Gas Aggregation Program; 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 Natural Gas Aggregation Program, it is necessary that this Ordinance take effect at the earliest possible date.

**NOW, THEREFORE, BE IT ORDAINED BY COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, COUNTY OF GREENE, AND STATE OF OHIO, THAT:**

**SECTION 1.** Village Council finds and determines that it is in the best interest of the Village, including the natural gas consumers located within the Village, to join SOPEC and to adopt the SOPEC Bylaws, for the purpose of establishing and implementing the Natural Gas Aggregation Program within the Village.

**SECTION 2.** The Village Manager 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 Village Council and on file with the Clerk, subject to such changes, insertions, and omissions that are consistent with this Ordinance and are not substantially adverse to the Village and as may be approved by the Village Manager, which approval shall be conclusively evidenced by the execution of the SOPEC Agreement.

**SECTION 3.** Village 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 Village Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Village Council, and

that all deliberations of this Village 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 the Village's Codified Ordinances and Section 121.22 of the Ohio Revised Code.

**SECTION 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Village, and for the further reason that this Ordinance shall take effect immediately upon its adoption and approval by the Village Council in order to maximize the potential benefit through the Natural Gas Aggregation Program provided by SOPEC.

\_\_\_\_\_  
Signed: Brian Housh, President of Council

PASSED: 4-3-2023

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

ROLL CALL:

Brian Housh \_Y\_

Kevin Stokes \_Y\_

Marianne MacQueen \_\_Y\_\_

Carmen Brown \_Y\_\_

Gavin DeVore Leonard \_ABSENT\_