

**ORDINANCE NO. 05-63 AC CMS**

**AN ORDINANCE ESTABLISHING A UTILITY BILLING "ROUNDING-UP" PROGRAM FOR THE CITY OF OBERLIN, FORMALLY ESTABLISHING A FUND FOR ALL MONIES RECEIVED AS A RESULT OF THE PROGRAM, AND DIRECTING THAT ALL FUNDS SO RECEIVED BE UTILIZED TO ASSIST OBERLIN UTILITY CUSTOMERS WITH THE PAYMENT OF THEIR UTILITY BILLS**

**WHEREAS, the City of Oberlin has previously established a utility "Caring Fund" to assist needy Oberlin utility customers with the payment of their Oberlin utility bills; and**

**WHEREAS, the City desires to expand that program by establishing a utility billing "Rounding-Up" program so that additional monies will be available to assist Oberlin utility customers with the payment of those bills.**

**NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:**

**SECTION 1. That the City of Oberlin does hereby establish a utility billing "Rounding-Up" Program for its utility bills, which means that each bill of any City of Oberlin utility customer will be "rounded-up" to the next whole dollar.**

**SECTION 2. That all monies generated as a result of the City of Oberlin utility billing "Rounding-Up" Program, and any other donations received for the same purpose, shall be deposited into a separate fund which shall be called the City of Oberlin "Caring Fund", and said fund is hereby so established.**

**SECTION 3. That all monies deposited into the City of Oberlin Caring Fund shall be utilized to assist needy Oberlin utility customers with the payment of their City of Oberlin utility bills.**

**SECTION 4. That any City of Oberlin utility customer that does not desire to participate in the City of Oberlin utility billing "Rounding-Up" Program shall have the right to "opt out" of the program. The City Finance Director shall establish regulations relating to the program.**

**SECTION 5. That the City of Oberlin utility billing "Rounding-Up" Program shall commence with the January, 2006, utility bills.**

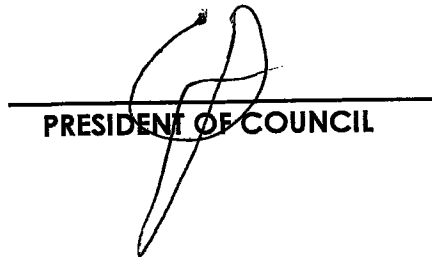
**SECTION 6.** It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were held in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 7.** That this ordinance shall take effect at the earliest date allowed by law.

**PASSED:** 1st Reading - September 6, 2005  
2nd Reading - September 19, 2005  
3rd Reading - October 3, 2005 (Effective in 30 days)

**ATTEST:**

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

**POSTED:** October 3, 2005

**EFFECTIVE DATE:** <sup>November</sup>  
~~October~~ 3, 2005 *efs*

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August 10, 2005

08-11-05 P01:29 IN

Mr. Daniel Gardner, President  
Oberlin City Council  
209 West College Street  
Oberlin, Ohio 44074

Re: Utility Billing "Round Up" Program

Dear President Gardner:

I have been working with Finance Director Talarico to establish a utility billing "Round Up" program for the City of Oberlin. Unfortunately, we will not be able to have draft legislation ready for the August 22 Council meeting.

In checking into the matter, I have discovered that all of the "Round Up" programs that are in existence were established by Electric Cooperatives through Palmetto Electric Cooperative. Palmetto Electric Cooperative has a trademark on the term "Operation Round Up" and was the first Cooperative to establish such a program. They license that trademark and the program particulars to other Cooperatives and utilities nationwide.

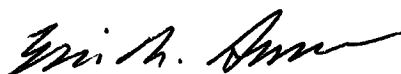
We will still establish a "rounding up" program for Oberlin. However, our program will differ substantially from those that have been set up by Electric Cooperatives which followed the Palmetto Electric Cooperative template. Those programs set up a charitable trust pursuant to Section 501 (C) (3) of the Internal Revenue Code. The charitable trust is governed by a local board of trustees which receives the "round up" money and distributes it for charitable purposes.

We will establish a similar program for distribution of the funds for needy consumers to pay their utility bills. Accordingly, I foresee that we will need an Ordinance establishing the program, possibly an Ordinance establishing or amending the Caring Fund, and an agreement with Oberlin Community Services Council for some administrative duties.

As I will be on vacation during the week of August 15, I will not be able to complete all of the research and prepare all of the appropriate documents for the August 22 Council meeting. I am hopeful that we can put all of this together for one of the meetings in September.

If you or any members of Council have any questions, please give me a call. Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read "Eric R. Severs", with a stylized flourish at the end.

Eric R. Severs  
Oberlin Law Director

ERS:kcf

cc: Mr. I. Salvatore Talarico, Finance Director  
Mr. Robert DiSpirito, City Manager  
Ms. Eugene F. Simon, Clerk of Council