

Village of Pecatonica

ORDINANCE NO. 2011-12

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF PECATONICA, WINNEBAGO COUNTY, THE QUESTION WHETHER THE VILLAGE SHOULD HAVE THE AUTHORITY UNDER PUBLIC ACT 096-0176 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM

Passed by the Village Board of Pecatonica

Published in pamphlet form by authority of the Village Board of the Village of Pecatonica, Winnebago County, Illinois, on November 22, 2011.

STATE OF ILLINOIS
COUNTY OF WINNEBAGO

SS

CERTIFICATE OF PUBLICATION

I, Dana Ryall, certify that I am duly appointed and acting Municipal Clerk of the Village of Pecatonica, Winnebago County, Illinois.

I further certify that on November 22, 2011 the Corporate Authorities of such municipality passed the below Ordinance No. 2011-12 and the Village President approved same on November 22, 2011:

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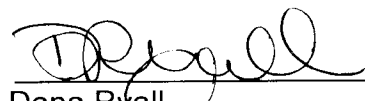
which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance 2011-12 including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 22, 2011 and continuing for at least ten days thereafter. Copies of such Ordinance were/are available for public inspection upon request in the office of the Municipal Clerk.

DATED at Pecatonica, Illinois, this 22 day of November 2011.

(Seal)





Dana Ryall
Village Clerk

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Recitals

WHEREAS, recently the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, added Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties. (Hereinafter referred to as the "Act")

WHEREAS, under the Act if the Village seeks to operate the aggregation program under the Act as an opt-out program for residential and small commercial retail customers, then prior to an adoption of an ordinance to establish a program, the Village must first submit a referendum to its residents to determine whether or not the aggregation program shall operate as an opt-out program for residential and small commercial retail customers. If the majority of the electors voting on the question vote in the affirmative, then the Village Trustees may implement an opt-out aggregation program for residential and small commercial retail customers.

WHEREAS, the Village Trustees hereby finds that it is in the best interest of the Village of Pecatonica to operate the aggregation program under the Act as an opt-out program and to submit the question to the electors in a referendum pursuant to the Act.

NOW THEREFORE BE IT ORDAINED, by the Village President and Village Trustees of the Village of Pecatonica, Winnebago County, Illinois as follows:

Section 1. The Village Trustees of the Village of Pecatonica finds that the recitals set forth above are true and correct and includes the recitals in this Ordinance.

Section 2. The Village Trustees finds and determines that it is in the best interests of the Village of Pecatonica to operate the aggregation program under the Act as an opt-out program.

Section 3. In the event such question is approved by a majority of the electors voting on the question at the regular election on March 20, 2012, the Village Trustees may implement an opt-out aggregation program and if the Village Trustees adopts the program the Village shall comply with all the terms and provisions of the Act.

Section 4. The Village Clerk is directed to immediately certify and submit the following question to the Winnebago County Clerk to be placed on the ballot for the general election to be held on March 20, 2012, in the following form:

Shall the Village of Pecatonica have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program?	<input type="checkbox"/> YES
	<input type="checkbox"/> NO

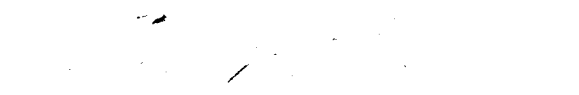
Section 5. In the event the State of Illinois amends the Act to revise the form of the question to be placed on the ballot, the Village President is authorized to direct the County Clerk to change the form of the question to conform to the amended Act, if required.

Section 6. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. This Ordinance shall be published in pamphlet form.

PASSED by the Village Board this 22 day of November, 2011.

APPROVED by the President of the Village Board this 22 day of November, 2011.


Shawn Connors, Village President

ATTEST:


Dana Ryall, Village Clerk

Ayes: 6 Nays: 0 Absent: 0

Heister: A Smull: A Eytalis: A
Martin: A Metz: A Sager: A

STATE OF ILLINOIS }
 }
COUNTY OF WINNEBAGO }

SS

CERTIFICATION OF ORDINANCE

I, the undersigned, certify that I am the duly qualified and acting Village Clerk of the Village of Pecatonica, Winnebago County, Illinois (the "Village"), and that as such official, I am the keeper of the records and files of the Village Board of the Village of Pecatonica.

I further certify that the foregoing is a full, true, and complete copy of Ordinance 2011-12, adopted at the regular meeting the Village Board held on the 22nd day of November, 2011, entitled:

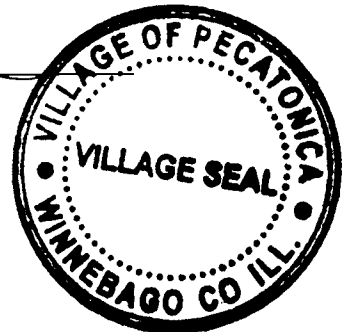
AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF PECATONICA, WINNEBAGO COUNTY, THE QUESTION WHETHER THE VILLAGE SHOULD HAVE THE AUTHORITY UNDER PUBLIC ACT 096-0176 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM

which Ordinance was duly adopted at said meeting by a roll call vote of 6 in favor and 0 against, with 0 abstentions and 0 absent. At said meeting a quorum was present and acting throughout the meeting. Said Ordinance has not been amended or repealed and remains in full force and effect.

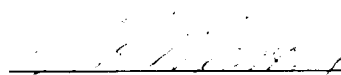
I further certify that the deliberations of the Village Board on the adoption of said Ordinance were conducted openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that a copy of the agenda for said meeting was posted at least 48 hours prior to convening of the meeting at the meeting place and at my office at the Village Hall, that said meeting was called and held in strict compliance with the provisions of the Illinois Open Meetings Act, as amended, and the Illinois Municipal Code, as amended, and that the Village Board has complied with all of the provisions of said Act and said Code and with all procedural rules of the Village Board.

In Witness Whereof, I hereto affix my official signature and the seal of the Village of Pecatonica as of this 22 day of November, 2011.


Village Clerk



Subscribed and sworn to before me
this 22 day of November 2011.


Notary Public

