

ORDINANCE 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

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
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**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 \_\_\_\_ day of \_\_\_\_\_, 2011.

**APPROVED** by the President of the Village Board this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Shawn Connors, Village President

ATTEST:

\_\_\_\_\_  
Dana Ryall, Village Clerk

Ayes: \_\_\_\_ Nays: \_\_\_\_ Absent: \_\_\_\_

Heister: \_\_\_\_ Smull: \_\_\_\_ Eytalis: \_\_\_\_  
 Martin: \_\_\_\_ Metz: \_\_\_\_ Sager: \_\_\_\_