

ORDINANCE NO. 868

ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF COBDEN, THE QUESTION WHETHER THE VILLAGE OF COBDEN SHOULD HAVE THE AUTHORITY UNDER 20 ILCS 3855/1-92 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM

Adopted by the
Village Board of Trustees
Of the
Village of Cobden
on this 6TH day of August, 2012

Published in pamphlet form by the authority of the Village Board of Trustees of the Village of Cobden, Union County, Illinois, on this 7TH day of August, 2012

ORDINANCE 868 -

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WHEREAS, the Village Board for the Village of Cobden finds as follows:

A. As a result of deregulation, electricity is purchased based on market prices and, as a result, competitive market forces dictate the price of electricity.

B. On January 1, 2010, the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, was amended to include Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties (Hereinafter referred to as the "Act").

C. Under the Act, if the Village of Cobden seeks to operate an aggregation program as an opt-out program for residential and small commercial retail customers, then prior to adoption of an ordinance to establish a program, the Village of Cobden 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 of Cobden may implement an opt-out aggregation program for residential and small commercial retail customers.

D. An aggregation program would give the Village of Cobden the authority to enter into an electric supply power contract on behalf of residents and small businesses in the Village of Cobden who have not opted out of said program with the intent to secure a lower rate for electric service, yielding reduced electric bills for its residents and small businesses.

E. Numerous municipalities and Village governments across the State of Illinois have voted to adopt aggregation programs and have experienced significant electricity rate reduction after executing new power supply contracts.

F. The Village Board of the Village of Cobden hereby finds that it is in the best interest of the Village of Cobden 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 BOARD OF THE VILLAGE OF COBDEN, AS FOLLOWS:

1. The facts and statements in the preamble to this Ordinance are hereby found by the Village Board to be true and correct and are hereby incorporated as a part of this Ordinance.
2. It is in the best interest of the Village of Cobden to operate the aggregation program under the Act as an opt-out program.
3. The Village Clerk is directed to immediately certify and submit the following question to be placed on the ballot for the general election to be held on November 6, 2012, in the following form:

Shall the Village of Cobden 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?

YES _____ NO _____

¿ Debería tener el Village of Cobden la autoridad de arreglar el suministro de electricidad para sus clientes residenciales y sus comerciantes pequeños que no hayan optado por quedarse en tal programa?

SI _____ NO _____

4. In the event such question is approved by a majority of the electors voting on the question at the regular election on November 6, 2012, the Village of Cobden may implement an opt-out aggregation program and if the Village of Cobden adopts the program the Village of Cobden shall comply with all the terms and provisions of the Act.
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 Board or the President's Office of the Village of Cobden is authorized to direct the Circuit Clerk to change the form of the question to conform with the amended Act, if required.
6. The Village of Cobden will create a Plan of Governance and Execution, coordinating with the Illinois Commerce Commission, Illinois Power Authority, Attorney General's Office, Local Utility and Suppliers both at a local and national level.
7. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

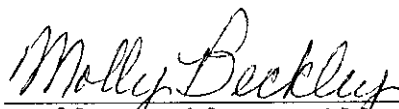
ADOPTED this 6th day of August, 2012, pursuant to a roll call vote as follows:

AYES: 6 - Brumleve, Eddington, Gomez, Maze, Stewart, Swedlund

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by me this 6th day of August, 2012.


Molly Beckley, Village President

ATTEST:


Karen M. Winzenburger
Village Clerk

STATE OF ILLINOIS)
COUNTY OF UNION)

CERTIFICATE

I, Karen M. Winzenburger, certify that I am the duly elected and acting Village Clerk of the Village of Cobden, Union County, Illinois.

I further certify that on August 6, 2012, the Village Board of Trustees of the Village of Cobden, Illinois, passed and adopted ORDINANCE NO. 868 entitled **ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF COBDEN, THE QUESTION WHETHER THE VILLAGE OF COBDEN SHOULD HAVE THE AUTHORITY UNDER 20 ILCS 3855/1-92 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM** which provided by its passage that it be published in pamphlet form.

The pamphlet form of Ordinance No. 869 including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance was posted in the Village Hall for a period of at least ten days commencing on the 7th day of August, 2012. Copies of such ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Cobden, Illinois, this _____ day of _____, 2012.

Karen M. Winzenburger, RMC
Village Clerk