

VILLAGE OF CHAPIN

ORDINANCE 13-1

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, THE QUESTION OF 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

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS
THIS 16th DAY OF JANUARY, 2013.

ORDINANCE NO. 13-1

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS THE QUESTION OF 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

WHEREAS, Section 1-92 of the *Illinois Power Agency Act* (hereinafter "Act"), 20 ILCS 3855/1-92, entitled *Aggregation of Electrical Loads by Municipalities and Counties*, authorizes a municipality, subject to the requirements of Section 1-92, to aggregate residential and small commercial retail electrical loads within the municipality and to solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment;

WHEREAS, municipal aggregation provides an opportunity for residential and small commercial business customers collectively to participate in the potential benefits of electric deregulation through lower electric rates which they would not be able to have individually;

WHEREAS, under the Act if the Village of Chapin seeks to operate the aggregation program as an opt-out program for residential and small commercial retail customers, then prior to the adoption of an ordinance to establish such 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 aggregation program for residential and small commercial retail customers; and

WHEREAS, the Board of Trustees of the Village of Chapin hereby finds that it is in the best interest of the Village of Chapin to establish a municipal aggregation

program under the Act, to operate it 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 PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Board of Trustees of the Village of Chapin finds that the recitals set forth above are true and correct and hereby incorporate them herein by this reference.

SECTION 2: The Board of Trustees of the Village of Chapin finds and determines that it is in the best interest of the Village of Chapin to establish an aggregation program under the Act and to operate the program as an opt-out program.

SECTION 3: The Clerk of the Village of Chapin is directed to certify and submit the following question to the Clerk of Morgan County ("County Clerk") to be submitted to the electors of the Village of Chapin at the Consolidated Election to be held on April 9, 2013:

Shall the Village of Chapin 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

The Village Clerk is also directed to prepare a notice of referendum stating briefly the purpose of the referendum. In the event the State of Illinois amends the Act to revise the form of question to be placed on the ballot, the Village Clerk is authorized to change the form of the question to conform with the amended Act, if required.

SECTION 4: The County Clerk shall give notice of the election ("Notice") in accordance with the general election law by: (1) publishing Notice once not more than thirty (30) nor less than ten (10) days prior to the date for the Election in a local community newspaper having general circulation in the Village; and (2) posting a copy of the Notice at least ten (10) days before the date of the Election at the principal office of the County Clerk.

SECTION 5: It is hereby found and determined that the *Jacksonville Journal Courier* is a local, community newspaper of general circulation in the Village and suitable for publication of the Notice pursuant to the requirements of Section 12-5 of the Election Code of the State of Illinois, as amended ("Election Code").

SECTION 6: The Village Clerk shall post a copy of the Notice at the principal office of the Village.

SECTION 7: The Notice shall appear over the name or title of the County Clerk and shall be in substantially the following form:

NOTICE IS HEREBY GIVEN that at the consolidated election to be held on Tuesday, the 9th of April, 2013, the following proposition will be submitted to the voters of the Village of Chapin, Morgan County, Illinois:

Shall the Village of Chapin 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?

The purpose of the referendum is to determine whether the voters of the Village of Chapin prefer an opt-out program in which the Village will negotiate for supplies of electricity on their behalf, unless the residential or small commercial electricity customer withdraws or opts out of the program.

The polls at said election will be open from 6:00 a.m. and continued open until 7:00 p.m. of that day.

Dated this 16 day of January, 2013.

County Clerk
Morgan County, Illinois


SECTION 8: In the event such question is approved by a majority of the electors voting on the question at the Consolidated Election held on April 9, 2013, the Board of Trustees of the Village of Chapin may implement an opt-out aggregation program and if said Board of Trustees adopts the program the Village shall comply with all the terms and provisions of the Act.

SECTION 9: If any section, paragraph, clause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 10: All ordinances or parts thereof in conflict with the terms of the ordinance are hereby repealed and of no further force and effect to the extent of any such conflict.


SECTION 11: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, on the 16th day of January, 2013.



Bryce McCormick, Village President

(SEAL)

ATTEST: 

Rhea Drake, Village Clerk

AYES: 4

NAYES: 0

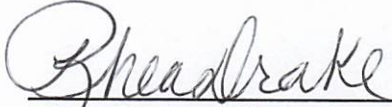
ABSENT: 0

STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

CERTIFICATION

I, Rhea Drake, the Clerk of the Village of Chapin, Morgan County, Illinois, do hereby certify that attached copy of Ordinance No. 13-1 is a true and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of Chapin, at a meeting of said Village Board held on the 16th day of January, 2013 all as the original of the same remains in the official records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of Chapin, this 16th day of January, 2013.



Rhea Drake, Village Clerk



(SEAL)