

**ORDINANCE NO. 1621-12**

**AN ORDINANCE AUTHORIZING AN ELECTRICITY AGGREGATION PROGRAM**

WHEREAS, the Illinois Power Agency Act, 20 ILCS 3855/1-92 (the "Act"), permits municipalities to adopt an ordinance by which it may operate a program for the aggregation of residential and small commercial retail electrical loads located within the municipality ("Electricity Aggregation Program") 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 pursuant to the Act; and

WHEREAS, under the Act and if authorized by referendum pursuant to the requirements of the Act, the Village may operate an Electricity Aggregation Program as an "opt-out" program, whereby residential and small commercial retail customers may choose not to participate in the program; and

WHEREAS, the Village submitted, via a referendum on March 20, 2012, the public question of whether the Village should operate the Electricity Aggregation Program as an opt-out program, and the referendum passed by a majority vote of the electors voting on the public question; and

WHEREAS, the Village Board hereby finds that it is in the best interest of the Village to authorize the operation of the Electricity Aggregation Program as an opt-out program and to implement the program according to the terms of the Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE. The foregoing recitals are incorporated and made a part of this Ordinance as if fully set forth in this Section.

SECTION TWO. The Corporate Authorities of the Village of Itasca find and determine that it is in the best interests of the Village to operate the electric aggregation program under the Act as an opt-out program.

SECTION THREE.

A. The Corporate Authorities of the Village of Itasca hereby are authorized to aggregate in accordance with the terms of the Act residential and small commercial retail electrical loads located within the corporate limits of the Village, and for that purpose may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment.

B. The Corporate Authorities of the Village of Itasca are granted the authority to operate the Electricity Aggregation Program with any other municipality or county

and, in combination with two or more municipalities or counties, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality or county as required by the Act.

C. The Aggregation Program for the Village shall operate as an opt-out program for residential and small commercial retail customers.

D. The Aggregation Program shall be approved by a majority of the corporate authorities of the Village.

E. The corporate authorities of the Village with the assistance from the Illinois Power Agency shall authorize a plan of operation and governance for the Aggregation Program and shall conduct such public hearings and provide such public notice as required under the Act. The Load Aggregation Plan shall provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers, shall describe demand management and energy efficiency services to be provided to each class of customers and shall meet any requirements established by law concerning aggregated service offered pursuant to the Act.

F. As an opt-out program, the Corporate Authorities of the Village shall fully inform residential and small commercial retail customers in advance that they have the right to opt-out of the Aggregation Program. The disclosure and information provided to the customers shall comply with the requirements of the Act.

G. The electric aggregation shall occur automatically for each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the Village, subject to a right to opt-out of the program as described under this ordinance and the Act.

H. The corporate authorities of the Village hereby grant the Village President or his designee in writing the specific authority to execute a contract without further action by the corporate authorities and with the authority to bind the Village.

SECTION FOUR: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Ordinance.

SECTION FIVE: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

AYES: Trustee Hower, Trustee Leahy, Trustee Aiani,  
Trustee Madaras, Trustee Latoria and Trustee Santorsola  
NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED and ADOPTED by the Village President and Board of Trustees of  
the Village of Itasca this 17<sup>th</sup> day of April, 2012.

APPROVED:



Jeffery J. Pruyn, Village President

ATTEST:



Melody J. Craven, Village Clerk