ORDINANCE NO. _____

ORDINANCE AUTHORIZING AGGREGATION OF ELECTRICAL LOAD

Recitals

1. 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").

2. Under the Act, the Town may operate the aggregation program under the Act as an opt-out program for residential and small commercial retail customers, if a referendum is passed by a majority vote of the residents pursuant to the requirements under the Act.

3. The Town submitted the question in a referendum on March 20, 2012, and a majority of the electors voting on the question voted in the affirmative.

4. The corporate authorities hereby find that it is in the best interest of the Town to operate the aggregation program under the act as an opt-out program and to implement the program according to the terms of the Act.

5. The Act requires that prior to the implementation of an opt-out electrical aggregation program by the Town; the Town must adopt an electrical power aggregation plan of operation and governance and hold not less than two (2) public hearings.

6. The Town held the required Public Hearings for the Electric Power Aggregation Plan of Operation and Governance on April 23, 2012, and May 14, 2012, and provided the required public notice.

BE IT ORDAINED BY THE TOWN PRESIDENT AND BOARD OF TRUSTEES OF THE TOWN OF CORTLAND, DEKALB COUNTY, ILLINOIS, AS FOLLOWS:

Section One: The Corporate Authorities of the Town find that the recitals set forth above are true and correct.

Section Two: The Corporate Authorities of the Town find and determine that it is in the best interest of the Town to operate the electric aggregation program under the Act as an opt-out program.

Section Three:

A. The Corporate Authorities of the Town 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 Town, 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 Town are granted the authority to exercise such authority jointly 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 Town shall operate as an opt-out program for residential and small commercial retail customers with a single rate for all customer classes.

D. The Aggregation Program shall be approved by a majority of the members of the Corporate Authority of the Town.

E. The Corporate Authorities of the Town, with the assistance from the Illinois Power Agency and Progressive Energy Group, shall develop 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 Town 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 Town, subject to a right to opt-out of the program as described under this ordinance and the Act.

H. The Corporate Authorities hereby grant the Town 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 Town with the following limitations:

- A term no longer than 36 months.
- Winning electric supplier must utilize ComEd as the billing/invoicing agent.
- The contract contains no early termination fees for residents.
- Town is to be reimbursed for ComEd administrative fees.

Section Four: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the President and Board of Trustees of the Town of Cortland, DeKalb County, Illinois, on the _____ day of _____, 2020, and deposited and filed in the office of the Town Clerk in said Town on that date pursuant to roll call vote as follows:

Ayes:

Nays:

Absent:

APPROVED by the President of the Town of Cortland, Illinois, this _____ day of _____, 2020.

_____
Mayor of the Town of Cortland, Illinois

ATTEST:

_____
Town Clerk of the Town of Cortland, Illinois

Published in pamphlet form this _____ day of _____, 2020.