

**ORDINANCE NUMBER 11 - 51**

ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF EAST DUNDEE, 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**, the Village of East Dundee, Kane and Cook Counties, is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**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, codified at 20 ILCS 3855/1-92. (Hereinafter referred to as the "Act"); and

**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 aggregation program for residential and small commercial retail customers; and

**WHEREAS**, The Village hereby finds that it is in the best interest of the Village of East Dundee 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 PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** The President and the Board of Trustees of the Village of East Dundee, Illinois find that the recitals set forth above are true and correct and include the recitals in the Ordinance.



Approved by me this 21<sup>st</sup> day of November, 2011.

Jerald Bartels  
Jerald Bartels, President

Published in pamphlet form this 29<sup>th</sup> day of Nov., 2011, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg  
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on Nov. 29<sup>th</sup>, 2011.

