

ORDINANCE NO. O11-349-03

**ORDINANCE PROVIDING FOR THE SUBMISSION TO
THE ELECTORS OF THE VILLAGE OF TIMBERLANE, BOONE
COUNTY, THE QUESTION 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**

Recitals

1. 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. (Hereinafter referred to as the "Act")

2. 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 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 Board may implement an opt-out aggregation program for residential and small commercial retail customers.

3. The Village Board hereby finds that it is in the best interest of the Village of Timberlane 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.

**BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF
THE VILLAGE OF TIMBERLANE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:**

Section One: The Village Board of the Village of Timberlane finds that the recitals set forth above are true and correct and includes the recitals in this Ordinance.

Section Two: The Village Board finds and determines that it is in the best interests of the Village of Timberlane to operate the aggregation program under the Act as an opt-out program.

Section Three: In the event such question is approved by a majority of the electors voting on the question at the regular election on March 20, 2012, the Village Board may implement an opt-out aggregation program and if the Village Board adopts the program Village shall comply with all the terms and provisions of the Act.

Section Four: The Village Clerk is directed to immediately certify and submit the following question to the Boone County Clerk to be placed on the ballot for the general election to be held on March 12, 2012, in the following form:

Shall the Village of Timberlane 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

Section Five: 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 President is authorized to direct the Boone County Clerk to change the form of the question to conform with the amended Act, if required.

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

PASSED by the Village President and Village Board of the Village of Timberlane, Boone County, Illinois, on the 15th day of December, 2011, and deposited and filed in the office of the Village Clerk in said Village on that date pursuant to roll call vote as follows:

PASSED AND APPROVED by the Timberlane Village Board this 15th day of December, 2011.

ROLL CALL VOTE:

YES VOTES: 4

NO VOTES: 0

ABSENT: 1


 Stephen M Rapp, Village President

ATTEST: 
 Debra K. Marner, Village Clerk

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