

VILLAGE OF BIG ROCK

ORDINANCE NO. 2017- _____

AN ORDINANCE AUTHORIZING AGGREGATION OF ELECTRIC LOAD

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BIG ROCK
THIS 25TH DAY OF APRIL, 2017**

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Big Rock, Kane County, Illinois
This 25th day of April, 2017

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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 Village 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 Village 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 Village 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 Village; the Village must adopt an electrical power aggregation plan of operation and governance and hold not less than two (2) public hearings.

6. The Village held the required Public Hearings for the Electric Power Aggregation Plan of Operation and Governance on May 8, 2012 and May 22, 2012 and provided the required public notice.

**BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF BIG ROCK, KANE COUNTY, ILLINOIS, AS FOLLOWS:**

Section One: The Corporate Authorities of the Village find that the recitals set forth above are true and correct and incorporates the recitals herein as though fully set forth in this Section One.

Section Two: The Corporate Authorities of the Village find and determine that it is in the best interest 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 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 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 Village 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 Village.

E. The Corporate Authorities of the Village with the assistance from the Illinois Power Agency and Progressive Energy Group have develop a plan of operation and governance for the Aggregation Program and have conducted 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 hereby grant the Village President or her 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 with the following limitations:

- A term no longer than 36 months.
- Winning electric supplier must offer price match guarantee against ComEd's "price to compare" which is published on Illinois Commerce Commission website www.pluginillinois.org for the entire length of the contract term.
- Winning electric supplier must utilize ComEd as the billing/invoicing agent.
- The contract contains no early termination fees.
- Village is to be reimbursed for ComEd program fees and legal 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.

PRESENTED to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 25th day of April, 2017.

Trustee Hanninen ____ Trustee Lynch ____ Trustee Metzger ____

Trustee McCannon ____ Trustee Walsh ____ Trustee Shimkus ____

PASSED by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 25th day of April, 2017.

SIGNED by the President of the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 25th day of April, 2017.

Dean Hummell, President
Village of Big Rock, Illinois

ATTEST:

Tim May, Village Clerk
Village of Big Rock, Illinois

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

CLERK’S CERTIFICATE

I, Tim May, certify that I am the Village Clerk of the Village of Big Rock, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that:

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was adopted by the President and Board of Trustees of the Village of Big Rock at a meeting held on April 25, 2017 and approved by the Village President on April 25, 2017. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meeting Act.

I do further certify that the ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 25th day of April, 2017.

(SEAL)

Tim May, Village Clerk
Village of Big Rock, Illinois