

ITY OF WARRENVILLE
DuPage County, Illinois

ORDINANCE NO. 2684

**ORDINANCE REPEALING ORDINANCE NO. 2680 AND
PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF
THE CITY OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS,
THE QUESTION WHETHER THE CITY SHOULD HAVE THE
AUTHORITY TO ARRANGE FOR SUPPLY OF ELECTRICITY
FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL
CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM**

WHEREAS, by virtue of Public Acts 96-0176 and 97-0338, the Illinois General Assembly has amended the Illinois Power Agency Act (the "Act") to add a new Section 1-92 thereto (20 ILCS 3855/1-92); and

WHEREAS, pursuant to Section 1-92 of the Act municipalities and counties may engage in the aggregation of electrical loads for residential and small commercial retail customers under certain conditions (the "Aggregation Program"); and

WHEREAS, under Section 1-92 of the Act, if the City of Warrenville seeks to operate the Aggregation Program 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 City 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 City hereby finds that it is in the best interests of the City to operate the Aggregation Program under Section 1-92 of the Act as an opt-out program and to submit the question to the electors of the City in a referendum pursuant to said Section 1-92 and the Illinois Election Code (10 ILCS 5/1-1 *et seq.*);

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WARRENVILLE, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The recitals set forth hereinabove shall be and are hereby incorporated as if said recitals were fully set forth within this Section One.

SECTION TWO: The Mayor and City Council find and determine that it is in the best interests of the City to operate the Aggregation Program under Section 1-92 of the Act as an opt-out program. A referendum with respect to the question of the operation of the Aggregation Program as an opt-out program shall be placed on the ballot for the General Primary Election to be held on March 20, 2012.

SECTION THREE: In the event of such question is approved by a majority of the electors voting on the question at the General Primary Election to be held on March 20, 2012, the City may implement an opt-out aggregation program and, if the City adopts the program, the City shall comply with all the terms and provisions of Section 1-92 of the Act.

SECTION FOUR: The City Clerk is hereby directed to certify and submit on or before January 12, 2012, the following referendum question to the DuPage County Board of Election Commissioners to be placed in the ballot for the General Primary Election to be held on March 20, 2012, in the following form:

Shall the City of Warrenville 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: The City hereby certifies that, for the purposes of the Spanish language ballot to be prepared by the Board of Election Commissioners of DuPage County for the General Primary Election to be held on March 20, 2012, the following is an identical version of the English language form of the referendum question set forth in Section 4 above:

¿Debe la ciudad de Warrenville tener la autoridad para encargarse del suministro de electricidad de sus clientes residenciales y clientes con comercios pequeños de venta al por menor que no han optado por retirarse de dicho programa?	Si
	No

SECTION SIX: Any policy, resolution or ordinance of the City that conflicts with the provisions of this ordinance, including Ordinance No. 2680, shall be and is hereby repealed.

SECTION SEVEN: if any section, paragraph, clause or provision of this ordinance is held to be invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this ordinance.

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

PASSED THIS 19th day of December, 2011.

AYES: Ald. Aschauer, Leonard, Wiesbrock, Bevier, Wilson, Barry, Goodman, and Weidner

NAYS: None

ABSENT: None

APPROVED THIS 21st day of December, 2011.

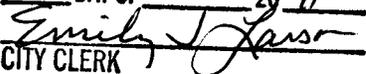


MAYOR

ATTEST:


CITY CLERK

LKL\159732\12/7/11

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF WARRENVILLE,
DUPAGE COUNTY, ILLINOIS, THIS
21 DAY OF Dec 20 11


CITY CLERK

Shall the City of Warrenville 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	

BILINGUAL COMMUNICATORS, INC. CERTIFIES: This to be the true and accurate translation of the above referendum question presented for translation from the English language into the Spanish language, to the best of our knowledge.

¿Debe la ciudad de Warrenville tener la autoridad para encargarse del suministro de electricidad de sus clientes residenciales y clientes con comercios pequeños de venta al por menor que no han optado por retirarse de dicho programa?	SI	
	NO	