

**AGGREGATION REFERENDUM ORDINANCE****AN ORDINANCE PROVIDING FOR AND REQUIRING THE SUBMISSION OF A PROPOSITION AT THE PRIMARY ELECTION TO BE HELD ON THE 20<sup>TH</sup> DAY OF MARCH, 2012 ON WHETHER THE VILLAGE OF BARRINGTON HILLS SHALL 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**

WHEREAS, the Illinois Power Agency Act has been amended by Public Act 96-0176 to add new Section 1-92 (20 ILCS 3855/1-92) (hereinafter "Act") which allows municipalities to adopt an Ordinance allowing for the aggregation of residential and small commercial retail electrical loads for the purpose of soliciting bids and entering into agreements to purchase electricity and related services and equipment;

WHEREAS, the Act further allows municipalities to jointly exercise its authority to aggregate electrical loads with other municipalities and counties or a combination of both;

WHEREAS, the Act allows municipalities to operate its electrical load aggregation program as either an opt-in program or as an opt-out program;

WHEREAS, under an opt-in program, the Village's residential and small commercial retail electric users are allowed to opt-in to participate in an agreement for electricity and related services after a provider has been selected by the Village's corporate authorities;

WHEREAS, under an opt-out program, the Village can solicit bids and enter into agreements for the purchase of electricity and related services for those residential and small commercial retail electric users that have not opted out of the Village's electrical aggregation program;

WHEREAS, the Village's corporate authorities believe that its participation in the opt-out electrical load aggregation program will result in the best prices for electrical power because the

Village will have a greater number of participants which will allow for the lower electric rates than would, otherwise be available;

WHEREAS, if the Village seeks to operate an aggregation program under the Act as an opt-out program for residential and small commercial retail electric users it must, prior to the adoption of an ordinance establishing such a program, submit a referendum to its electors to determine whether or not the aggregation program shall operate as an opt-out aggregation program;

WHEREAS, The Village Board hereby finds that the public welfare and the best interests of the Village of Barrington Hills are served by operating an aggregation program under the Act as an opt-out program and accordingly desires to submit a proposition at the primary election to be held on the 20<sup>th</sup> day of March, 2012 on whether the Village shall 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; and

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Barrington Hills, Cook, McHenry, Lake and Kane Counties, Illinois, as a home-rule municipality as follows:

**SECTION 1:** The Village Board of the Village of Barrington Hills ("Village") finds that the recitals set forth above are true and correct. The foregoing recitals are a material part of this Ordinance and are incorporated herein as if they were fully set forth in this Section.

**SECTION 2:** The Village Board finds and determines that it is in the best interests of the Village of Barrington Hills to operate a program aggregating residential and small commercial retail electrical loads pursuant to Section 1-92 of the Illinois Power Agency Act (20 ILCS 3855/1-92) as an opt-out program.

**SECTION 3:** That the proposition referenced in this Ordinance shall be submitted to the voters of the Village of Barrington Hills in accordance with the general election law at the primary election to be held on Tuesday, the 20<sup>th</sup> day of March, 2012, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "Election"). In the event such question is approved by a majority of the electors voting on the question at the election on March 20, 2012, the Village Board may implement an opt-out aggregation program in compliance with all the terms and provisions of the Act.

**SECTION 4:** That the Election shall be held in the voting precincts and at the polling places established by the Counties of Cook, McHenry, Lake and Kane for voters of the Village at the Election.

**SECTION 5:** That the County Clerks of the Counties of Cook, McHenry, Lake and Kane shall each give notice of the Election in accordance with the general election law by (i) publishing the Notice once not more than thirty (30) nor less than ten (10) days prior to the date of the Election in a local, community newspaper having general circulation in the Village, and (ii) posting a copy of the Notice at least ten (10) days before the date of the Election at their respective principal offices.

**SECTION 6:** That the Clerk of the Village of Barrington Hills shall post a copy of the Notice at the principal office of the Village.

**SECTION 7:** That it is hereby found and determined that the Daily and Northwest Heralds are local, community newspapers published in and having general circulation in the Village, as required by Sections 12-5 of the Election Code of the State of Illinois, as amended (the "Election Code").

**SECTION 8:** That the Notice shall be substantially in the following form:



NOTICE IS HEREBY GIVEN that at the primary election to be held on Tuesday, the 20<sup>th</sup> day of March, 2012, the following proposition will be submitted to the voters of the Village of Barrington Hills, Cook, McHenry, Lake and Kane Counties, Illinois:

Shall the Village of Barrington Hills 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?

The polls at said election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

This referendum is being requested pursuant to Section 1-92 of the Illinois Power Agency Act (20 ILCS 3855/1-92), Under this Act, the approval of this referendum is required before the Village can establish a program to solicit bids and enter into service agreements for the supply of electric power for the combined electric loads of those residential and small commercial retail electric users that do not opt out of the Village's program.

Dated this 21st day of November, 2011.

County Clerk of the County of Cook, Illinois  
County Clerk of the County of Lake, Illinois  
County Clerk of the County of McHenry, Illinois  
County Clerk of the County of Kane, Illinois

**SECTION 9:** That the ballots to be used at the Election shall be in substantially the following form, with such necessary alterations, changes, deletions and insertions as may be required by Article 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the Election or as may otherwise be required to conform to any other provision of the Election Code:

(Face of Ballot)  
OFFICIAL BALLOT

**PROPOSITION ON WHETHER THE VILLAGE OF BARRINGTON HILLS SHALL 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**

(INSTRUCTIONS TO VOTERS: Mark a cross (X) in the space opposite the word indicating the way you desire to vote.)

<b>Shall the Village of Barrington Hills 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?</b>	<b>YES</b>	
	<b>NO</b>	

(Back of Paper Ballot)  
OFFICIAL BALLOT

Official ballot for voting on the proposition on whether the Village of Barrington Hills shall 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?

Precinct Number:

Polling Place:

\_\_\_\_\_ (Facsimile Signature)

[County Clerk of the County of Cook, Illinois] or  
[County Clerk of the County of Lake, Illinois] or  
[County Clerk of the County of McHenry, Illinois]  
or [County Clerk of the County of Kane, Illinois]

**SECTION 10:** That the Election shall be conducted by the duly appointed election judges in the precincts at which said propositions will be submitted to the voters of the Village.

**SECTION 11:** That after the adoption hereof, on or before January 12, 2012, the Village Clerk shall certify the public question set forth in this Ordinance to the County Clerks of each of Cook, McHenry, Lake and Kane Counties in order that the proposition set forth herein may be submitted to the voters of the Village at the Election.

**SECTION 12:** That the Election shall be held and conducted and the returns thereof duly canvassed, all in the manner and time as provided by the general election law.

**SECTION 13:** That if any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

**SECTION 14:** That all Village Ordinances and parts of Ordinances in conflict herewith are hereby repealed, and that this Ordinance shall be in full force and effect forthwith upon its adoption.

PASSED by the following roll call vote this 21st day of November, 2011.

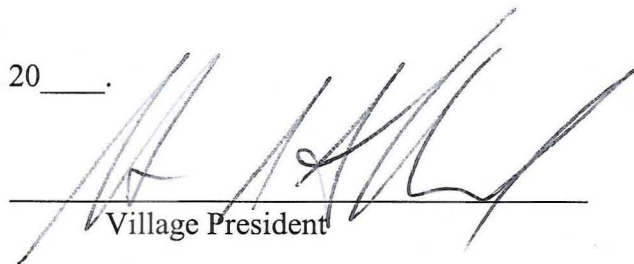
AYES: 7

NAYS: 0

ABSENT: 0

ABSTAIN: 0

APPROVED this 22nd day of November, 20\_\_\_\_.

  
\_\_\_\_\_  
Village President

ATTEST:

  
\_\_\_\_\_  
Village Clerk