

**ORDINANCE #**

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF EDWARDSVILLE TOWNSHIP, MADISON COUNTY, ILLINOIS THE QUESTION WHETHER EDWARDSVILLE TOWNSHIP; MADISON COUNTY, SHOULD HAVE THE AUTHORITY UNDER PUBLIC ACT 096-0176 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR THE RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS OF THE UNINCORPORATED PORTION OF EDWARDSVILLE TOWNSHIP THAT IS NOT OTHERWISE A PART OF A MUNICIPALITY, MADISON COUNTY, WHO HAVE NOT OPTED OUT OF SUCH PROGRAM**

WHEREAS; EDWARDSVILLE TOWNSHIP, MADISON COUNTY, Illinois; ("TOWNSHIP"), is an Illinois Township duly established and operating in accordance with the provisions of the Illinois Township Code, Section 1/1 et seq. of Chapter 60 of the Illinois Compiled Statutes, the "Illinois Township Code"; and

WHEREAS, recently, the Illinois power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, was amended by Public Act 96-176 which added Section 1-92 entitled "Aggregation of Electrical Load by Municipalities, Townships and Counties". (Hereinafter referred to as the "Act"); and

WHEREAS, under the Act if the Township seeks to operate an aggregation program under the Act as an opt-out program for its residential and small commercial retail customers in that portion of the township in an unincorporated portion of the county not otherwise part of a municipality, then prior to an adoption of an ordinance to establish such a program, the Township 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 in that portion of the township in an unincorporated portion of the county not otherwise part of a municipality; and

WHEREAS, the corporate authorities find that it is in the best interest of the Township 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 Edwardsville Township Board of EDWARDSVILLE TOWNSHIP, MADISON COUNTY, ILLINOIS, as follows:**

Section 1: The corporate authorities of EDWARDSVILLE TOWNSHIP find the recitals set forth above are true and correct.

Section 2: The Edwardsville Township Board finds and determines that it is in the best interest of Edwardsville Township to operate the aggregation program in that portion of the township in an unincorporated portion of the county not otherwise part of a municipality, under the Act as an opt-out program.

Section 3: The Edwardsville Township Clerk is directed to certify and submit on or before January 22, 2013, the following question to the Madison County Clerk to be placed on the ballot for the general primary election to be held on April 9, 2013; such question to be in the following form:

"Shall EDWARDSVILLE TOWNSHIP, MADISON COUNTY, ILLINOIS have the authority to arrange for the supply of electricity for its residential and small commercial retail customers in the unincorporated portions of Edwardsville Township not otherwise a part of a municipality of Madison County, Illinois who have not opted out of such program"  
 YES / NO.

Section 4: If a majority of the electors in the unincorporated portions of Edwardsville Township not otherwise a part of a municipality voting on the question vote in the affirmative, then the Edwardsville Township Board may implement an opt-out aggregation program for residential and small commercial retail customers in that portion of the township in an unincorporated portion of the county not otherwise part of a municipality,.

Section 5: That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law. That the EDWARDSVILLE TOWNSHIP CLERK shall be and hereby is authorized and instructed to publish this ordinance in pamphlet form.

On Motion of Trustee Frank Miles, Seconded by Trustee Kenny Krumreich, the vote on this Ordinance is as follows:

That the Ordinance be ADOPTED:

<u>Frank Miles</u>	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>
<u>Randall L. Wilhamson</u>	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>
<u>Kenny Krumreich</u>	YEA <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>
_____	YEA <input type="checkbox"/>	NAY <input type="checkbox"/>
_____	YEA <input type="checkbox"/>	NAY <input type="checkbox"/>

PASSED AND APPROVED THIS 22 DAY OF January, 2013.

Michael P. Krueger  
 Edwardsville Township Supervisor

ATTEST:

Fred Subitto  
 Edwardsville Township Clerk