

ORDINANCE NO. 12-08

ORDINANCE PROVIDING FOR THE SUBMISSION TO
THE ELECTORS OF THE COUNTY OF KENDALL, IL,
THE QUESTION WHETHER THE COUNTY 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 County of Kendall 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 County 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 County Board may implement an opt-out aggregation program for residential and small commercial retail customers.

3. The County of Kendall hereby finds that it is in the best interest of the citizens of Kendall County 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 COUNTY BOARD OF THE COUNTY OF KENDALL,
KENDALL COUNTY, ILLINOIS, AS FOLLOWS:

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

Section Two: The County Board finds and determines that it is in the best interests of the citizens of the County of Kendall 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 November 6, 2012, the County Board may implement an opt-out aggregation program and if the County Board adopts the program the County Board shall comply with all the terms and provisions of the Act.

Section Four: The Kendall County Clerk is directed to immediately certify and submit the following question to be placed on the ballot for the general election to be held on November 6, 2012, in the following form:

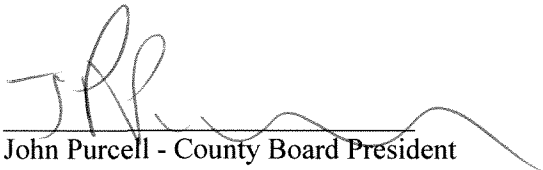
Shall the County of Kendall have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program?	YES
	NO

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 County Board Chairman is authorized to direct the County Clerk to change the form of the question to conform with the amended Act, if required.

Section Six: The County of Kendall has elected to work in collaboration with Progressive Energy Group who will use their professional expertise to create a Plan of Governance and Execution, coordinating with Illinois Commerce Commission, Illinois Power Authority, Attorney General's Office, Local Utility (ComEd) and Suppliers both at a local and national level.

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

PASSED and APPROVED by the County Board of the County of Kendall, Illinois, on the 15th day of May, 2012.


 John Purcell - County Board President

ATTEST:

 Debbie Gillette, County Clerk