

**CITY OF NAUVOO, ILLINOIS
ORDINANCE NO. 2015-8**

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS
OF THE CITY OF NAUVOO THE QUESTION WHETHER THE CITY SHOULD HAVE
THE AUTHORITY UNDER 20 ILCS 3855/1-92 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 City of Nauvoo (“the City”) is a home rule unit of government having all powers granted to it under Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, pursuant to Section 6, a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, as a result of deregulation, electricity is purchased based on market prices and, as a result, competitive market forces dictate the price of electricity; and

WHEREAS, on January 1, 2010, the Illinois Power Agency Act (“the Act”) was amended to include Section 1-92, entitled “Aggregation of Electrical Load by Municipalities and Counties” (20 ILCS 3855/1-92); and

WHEREAS, an aggregation program would give the City the authority to enter into an electric supply power contract on behalf of residents and small businesses in the City who have not opted out of said program with the intent to secure a lower rate for electric service, yielding reduced electric bills for its residents and small businesses; and

WHEREAS, numerous municipalities across the State of Illinois have voted to adopt aggregation programs and have experienced significant electricity rate reduction after executing new power supply contracts; and

WHEREAS, under the Act, if the City Council of the City of Nauvoo (“the City Council”) seeks to operate an aggregation program as an opt-out program for residential and small commercial retail customers in the City, then, prior to 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 program for residential and small commercial retail customers; if the majority of the electors voting on the question vote in the affirmative, then the City may implement an opt-out aggregation program for residential and small commercial retail customers; and

WHEREAS, the City Council believes that it is in the best interest of the City to operate the aggregation program under the Act as an opt-out program and desires to submit the question to the electors in a referendum pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAUVOO, HANCOCK COUNTY, ILLINOIS, AS FOLLOWS:

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CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM**

WHEREAS, the City of Nauvoo (“the City”) is a home rule unit of government having all powers granted to it under Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, pursuant to Section 6, a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, as a result of deregulation, electricity is purchased based on market prices and, as a result, competitive market forces dictate the price of electricity; and

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WHEREAS, numerous municipalities across the State of Illinois have voted to adopt aggregation programs and have experienced significant electricity rate reduction after executing new power supply contracts; and

WHEREAS, under the Act, if the City Council of the City of Nauvoo (“the City Council”) seeks to operate an aggregation program as an opt-out program for residential and small commercial retail customers in the City, then, prior to 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 program for residential and small commercial retail customers; if the majority of the electors voting on the question vote in the affirmative, then the City may implement an opt-out aggregation program for residential and small commercial retail customers; and

WHEREAS, the City Council believes that it is in the best interest of the City to operate the aggregation program under the Act as an opt-out program and desires to submit the question to the electors in a referendum pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAUVOO, HANCOCK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. The City Council finds that the facts and statements in the preamble to this Ordinance are true and correct and are incorporated herein as a part of this Ordinance.

SECTION 2. The City Council believes that it is in the best interest of the City to operate the aggregation program under the Act as an opt-out program and directs the City Clerk to immediately certify and submit the following question to be placed on the ballot for the general election to be held on March 15, 2016:

Shall the City Council of the City of Nauvoo 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 3. In the event the State of Illinois amends the Act to revise the form of the question to be placed on the ballot, the Mayor of the City of Nauvoo is authorized to direct the Nauvoo City Clerk to change the form of the question to conform with the amended Act, if required.

SECTION 4. In the event that question is approved by a majority of the electors voting on the question at the regular election on March 15, 2016, the City may implement an opt-out aggregation program, and, if the City Council adopts the program, the City Council shall comply with all the terms and provisions of the Act.

SECTION 5. Further, if the program is adopted, the City Council will create a Plan of Governance and Execution, coordinating with the Illinois Commerce Commission, Illinois Power Authority, Attorney General's Office, Local Utility (Ameren Illinois) and suppliers both at a local and national level.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

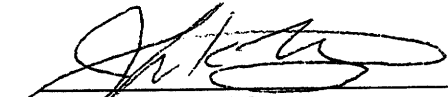
PASSED by the City Council of the City of Nauvoo, Hancock County, Illinois, at a special meeting convened on December 15, 2015, and pursuant to a roll call vote, as follows:

AYES: 6 _____

NAYS: 0 _____

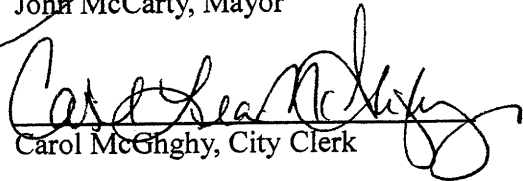
ABSENT: 0 _____

APPROVED this 15th day of December, 2015:



John McCarty, Mayor

ATTEST:



Carol McGhghy, City Clerk