

ORDINANCE NO. 12  
Series 2012-2013

**ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF HAMILTON THE QUESTION WHETHER THE CITY OF HAMILTON 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 Council of the City of Hamilton finds as follows:

- A. As a result of deregulation, electricity is purchased based on market prices and, as a result, competitive market forces dictate the price of electricity;
- B. On January 1, 2010, the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, was amended to include Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties (hereinafter referred to as the "Act").
- C. Under the Act, if the City of Hamilton seeks to operate an aggregation program as an opt-out program for residential and small commercial retail customers, and prior to adoption of an ordinance to establish a program, the City of Hamilton 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 of Hamilton may implement an opt-out aggregation program for residential and small commercial retail customers.
- D. An aggregation program would give the City of Hamilton the authority to enter into an electric supply power contract on behalf of residents and small businesses in the City of Hamilton 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.
- E. Numerous municipalities and county governments across the State of Illinois have voted to adopt aggregation programs and have experienced significant electricity rate reduction after executing new power supply contracts;
- F. The City Council hereby finds that it is in the best interest of the City of Hamilton 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.

**FILED**

JAN 23 2013

HANCOCK COUNTY CLERK  
HANCOCK COUNTY, ILLINOIS

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WHEREAS, the City Council of the City of Hamilton finds as follows:

- A. As a result of deregulation, electricity is purchased based on market prices and, as a result, competitive market forces dictate the price of electricity;
- B. On January 1, 2010, the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, was amended to include Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties (hereinafter referred to as the "Act").
- C. Under the Act, if the City of Hamilton seeks to operate an aggregation program as an opt-out program for residential and small commercial retail customers, and prior to adoption of an ordinance to establish a program, the City of Hamilton 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 of Hamilton may implement an opt-out aggregation program for residential and small commercial retail customers.
- D. An aggregation program would give the City of Hamilton the authority to enter into an electric supply power contract on behalf of residents and small businesses in the City of Hamilton 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.
- E. Numerous municipalities and county governments across the State of Illinois have voted to adopt aggregation programs and have experienced significant electricity rate reduction after executing new power supply contracts;
- F. The City Council hereby finds that it is in the best interest of the City of Hamilton 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.

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**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, AS FOLLOWS:**

1. The facts and statements in the preamble to this Ordinance are hereby found by the City Council of the City of Hamilton to be true and correct and are hereby incorporated as a part of this Ordinance.
2. It is in the best interest of the City of Hamilton to operate the aggregation program under the Act as an opt-out program.
3. The City Clerk of the City of Hamilton is directed to immediately certify and submit the following question to be placed on the ballot for the general election to be held on April 9, 2013, in the following form:

Shall the City of Hamilton 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

4. In the event such question is approved by a majority of the electors voting on the question at the regular election on April 9, 2013, the City of Hamilton may implement an opt-out aggregation program and if the City of Hamilton adopts the program the City of Hamilton shall comply with all the terms and provisions of the Act.
5. 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 Hamilton is authorized to direct the City Clerk of the City of Hamilton to change the form of the question to conform with the amended Act, if required.
6. The City of Hamilton 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.
7. This ordinance shall be in full force and effect from and after its passage and approval as required by law.