

FILED

JUL 20 2012

ORDINANCE NO. 2012-5

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF CARTHAGE, HANCOCK COUNTY THE QUESTION WHETHER THE CITY 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**

1. Recently, the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, added Section 3855/1-92 entitled Aggregation of Electrical Loads by Municipalities and County, hereinafter referred to as the "Act".
2. Under the Act if the City seeks to operate the aggregation program 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 City 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.
3. The City Council of the City of Carthage hereby finds that it is in the best interest of the City of Carthage 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 HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARTHAGE, HANCOCK COUNTY, ILLINOIS AS FOLLOWS:**

SECTION 1: The City Council of the City of Carthage finds that the recitals set forth above are true and correct and includes the recitals in the Ordinance.

SECTION 2: The City Council of the City of Carthage finds and determines that it is in the best interest of the City of Carthage to operate the aggregation program under the Act as an opt-out program.

SECTION 3: In the event such question is approved by a majority of the electors voting on the question at the General Election held on November 6, 2012, the City Council of the City of Carthage may implement an opt-out aggregation program and if said City Council adopts the program the City shall comply with all the terms and provisions of the Act.

SECTION 4: The City Clerk of the City of Carthage is directed to certify and submit on or

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HANCOCK COUNTY CLERK  
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SECTION 4: The City Clerk of the City of Carthage is directed to certify and submit on or

before August 16, 2012, the following question to the Hancock County Clerk to be placed on the ballot for the General Election to be held on November 6, 2012 in substantially the following form:

|  |     |
|--|-----|
| Shall the City of Carthage 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 5: Severability. If any section, paragraph, clause or provision of this ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 6: Repeal of Inconsistent Ordinances: That all ordinances or parts thereof in conflict with the terms of the ordinance are hereby repealed and of no further force and effect to the extent of any such conflict.

SECTION 7: Publication: That the City Clerk is hereby directed to publish this ordinance in pamphlet form.

SECTION 8: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED THIS 24<sup>th</sup> day of ~~August~~, 2012.

July

Donna J. Walker  
Mayor Pro Tem

Attest:

[Signature]  
City Clerk

(City seal)

Published in pamphlet form on August 16, 2012.