

3/21/2012

37-O-12

AN ORDINANCE

**AUTHORIZING AN ELECTRICITY AGGREGATION PROGRAM
FOR THE CITY OF EVANSTON**

WHEREAS, the Illinois Power Agency Act, 20 ILCS 3855/1-92 (the "Act"), authorizes municipalities to adopt programs for the aggregation of residential and small commercial retail electrical loads located within the municipality ("Electricity Aggregation Program") and to solicit bids and enter into service agreements for the purchase of electricity and related services and equipment pursuant to the Act; and

WHEREAS, under the Act, the City of Evanston may operate an Electricity Aggregation Program under the Act as an "opt-out" program, whereby residential and small commercial retail customers may choose not to participate in the program, if authorized by referendum pursuant to the requirements of the Act; and

WHEREAS, the City of Evanston submitted the public question of whether the City should operate the Electricity Aggregation Program as an opt-out program in a referendum on March 20, 2012, and the referendum passed by a majority vote of the electors voting on the public question; and

WHEREAS, the City Council hereby finds that it is in the best interests of the City and its residents to authorize the operation of the Electricity Aggregation Program as an opt-out program and to develop a plan of operation and governance in conformance with the Act,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: The foregoing recitals are found as fact and made a part hereof.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 4: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: April 10, 2012

Adopted: April 10, 2012

Approved:

April 11, 2012

Elizabeth B. Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene

Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar

W. Grant Farrar, Corporation Counsel