

COUNTY OF KANE

John A. Cunningham  
KANE COUNTY CLERK



COUNTY GOVERNMENT CENTER  
719 Batavia Avenue  
P.O. Box 70  
Geneva Illinois 60134  
Phone: (630) 232-5993

DATE: 12/18/13

TO: John A. Cunningham

Receipt of the following named item(s) is hereby acknowledged:

Filed ordinance No. 13-364 to be placed  
on the ballot on March 18, 2014 General Primary

By

(Deputy Clerk)

John A. Cunningham, County Clerk

STATE OF ILLINOIS

COUNTY OF KANE

RECEIVED

13 DEC 18 AM 10:47

ORDINANCE NO. 13 - 364

**CLARIFYING ORDINANCE NO. 13-334 PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE COUNTY OF KANE, THE QUESTION OF WHETHER THE COUNTY SHOULD HAVE THE AUTHORITY, PURSUANT TO THE ILLINOIS POWER AGENCY ACT, 20 ILCS 3855, TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM**

WHEREAS, minor clarifications are necessary to Ordinance No. 13-334, which include referencing the next "regular" election and documenting the specific date to which the election is to be held "March 18, 2014", said clarifications are documented below in items 3 and 4 of Ordinance No. 13-334.

NOW, THEREFORE, BE IT ORDAINED by the Chairman and Board of the County of Kane, Illinois as follows:

- 3. The County Clerk is directed to certify and submit the following question to be placed on the ballot for the next general regular election allowable by law, to be held on March 18, 2014, in the following form:

Shall the County of Kane 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 \_\_\_\_\_

¿ Debería tener el Condado de Kane la autoridad de arreglar el suministro de electricidad para sus clientes residenciales y sus comerciantes pequeños que no hayan optado por quedarse en tal programa?  
SI \_\_\_\_\_ NO \_\_\_\_\_

- 4. In the event such question is approved by a majority of the electors voting on the question, at the regular election on March 18, 2014, the Kane County Board may implement an opt-out aggregation program and if the Kane County Board adopts the program the County shall comply with all the terms and provisions of the Act.

Passed by the Kane County Board on December 10, 2013.

John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

Christopher J. Lauzen  
Chairman, County Board  
Kane County, Illinois

Vote:  
Yes 21  
No 0  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_  
12ElectricClarification

STATE OF ILLINOIS  
COUNTY OF KANE  
DATE 12-17-13  
I, John A. Cunningham, Kane County Clerk and Keeper of the Records in Kane County, Illinois do hereby certify that the attached is a true and correct copy of the original record on file. In witness whereof, I have hereunto set my hand and affix the Seal of the County of Kane at my office in Geneva, Illinois.  
  
John A. Cunningham, Kane County Clerk

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 13 - 334

**PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE COUNTY OF KANE, THE QUESTION OF WHETHER THE COUNTY SHOULD HAVE THE AUTHORITY, PURSUANT TO THE ILLINOIS POWER AGENCY ACT, 20 ILCS 3855, 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 Illinois Power Agency Act, 20 ILCS 3855,(Hereinafter referred to as the "Act") includes Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties (as amended by Public Act 098-0404), which authorizes county boards to adopt an ordinance under which it may aggregate residential and small commercial retail electrical loads, located within the unincorporated areas of the county where no electrical aggregation ordinance has been adopted, and for that purpose, may solicit bids and enter into service agreements to facilitate for those loads the sale and purchase of electricity and related services and equipment; and

WHEREAS, Under the Act if the County of Kane ("County") seeks to operate an aggregation program under the Act as an opt-out program for residential and small commercial retail customers, then prior to 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; and

WHEREAS, an aggregation program would give the County the authority to enter into an electric supply power contract on behalf of residents and small businesses in unincorporated Kane County 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, Kane County would offer the referendum and conduct the aggregation program only in the townships in unincorporated Kane County where aggregation programs have not already been established. Specifically, the unincorporated townships included in this aggregation program are Hampshire, Burlington, Virgil, Kaneville, Big Rock, Rutland, Plato, Campton, Blackberry, Sugar Grove, Elgin, St. Charles, Geneva, and Batavia. The Townships of Aurora and Dundee are excluded as they previously passed electric aggregation through referendum; and

WHEREAS, as of November, 2013, Four Hundred Sixty Six (466) Illinois municipalities, townships and counties have affirmatively voted to adopt a municipal aggregation program, and of those who have secured power supply contracts, an average electric rate reduction of 25% has been realized for their residents and small businesses; and

WHEREAS, the Kane County Board hereby finds that it is in the best interest of the County of Kane 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 ORDAINED BY THE CHAIRMAN AND BOARD OF THE COUNTY OF KANE, ILLINOIS, AS FOLLOWS:

- 1. The facts and statements in the preamble to this Ordinance are hereby found by the County of Kane to be true and correct and are hereby incorporated as a part of this Ordinance.
- 2. It is in the best interests of the County of Kane to operate the aggregation program under the Act as an opt-out program.
- 3. The County Clerk is directed to certify and submit the following question to be placed on the ballot for the next general election allowable by law, in the following form:

Shall the County of Kane 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 \_\_\_\_\_

¿ Debería tener el Condado de Kane la autoridad de arreglar el suministro de electricidad para sus clientes residenciales y sus comerciantes pequeños que no hayan optado por quedarse en tal programa?  
 SI \_\_\_\_\_ NO \_\_\_\_\_

- 4. In the event such question is approved by a majority of the electors voting on the question, the Kane County Board may implement an opt-out aggregation program and if the Kane County Board adopts the program the County 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 Chairman of the Kane County Board is authorized to direct the County Clerk to change the form of the question to conform with the amended Act, if required.
- 6. The County will create a Plan of Governance and Execution, coordinating with the Illinois Commerce Commission, Illinois Power Authority, Attorney General's Office, Local Utility (ComEd) and Suppliers both at a local and national level.

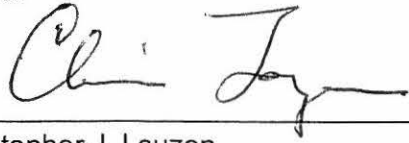


7. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
N/A	N/A	N/A	N/A	N/A

Passed by the Kane County Board on November 12, 2013.

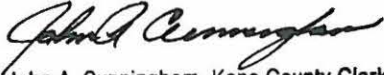
  
 John A. Cunningham  
 Clerk, County Board  
 Kane County, Illinois

  
 Christopher J. Lauzen  
 Chairman, County Board  
 Kane County, Illinois

Vote:  
 Yes 21  
 No 0  
 Voice \_\_\_\_\_  
 Abstentions \_\_\_\_\_  
 11ElectricAgg \_\_\_\_\_

STATE OF ILLINOIS  
 COUNTY OF KANE  
 DATE 12-17-13

I, John A. Cunningham, Kane County Clerk and Keeper of the Records in Kane County, Illinois do hereby certify that the attached is a true and correct copy of the original record on file. In witness whereof, I have hereunto set my hand and affix the Seal of the County of Kane at my office in Geneva, Illinois

  
 John A. Cunningham, Kane County Clerk

