

ORDINANCE NO. 2012-03-027

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 24 TO ESTABLISH AN
ELECTRICITY AGGREGATION PROGRAM**

WHEREAS, Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1-92, permits a municipality, if authorized by referendum, to adopt an ordinance by which it may operate an electricity aggregation program to solicit bids and enter into service agreements for the sale and purchase of electricity and related services and equipment to residential and small commercial customers who do not opt-out of such a program; and

WHEREAS, the City of Urbana, in a referendum held on March 20, 2012, submitted the public question of whether it should operate the program as an opt-out program; and

WHEREAS, the referendum passed by a majority vote of the qualified electors voting on the question; and

WHEREAS, electricity aggregation provides an opportunity for electric consumers collectively to realize lower cost electricity and related services, cleaner energy, and other benefits that consumers may not otherwise be able to obtain individually; and

WHEREAS, the City Council finds that the best interests of the City are served by amending the Urbana City Code to establish an opt-out electricity aggregation program and to implement the program according to the terms of the Illinois Power Agency Act.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 24, "Utilities," is hereby amended by adding the following Article thereto:

Article VII. - Electricity aggregation program.

Sec. 24-161. - Definitions.

Sec. 24-162. - Electric power aggregation.

Sec. 24-163. - Opt-out program.

Sec. 24-164. - Solicitation of bids.

Secs. 24-165 - 24-170. - Reserved.

Sec. 24-161. - Definitions.

For purposes of this article, the following definitions will apply:

Act means the Illinois Power Agency Act, 20 ILCS 3855/1-1 *et seq.*, as may be amended from time to time.

Customer means a recipient of residential or small commercial retail electric loads as provided in the Act.

Electricity aggregation program means a program adopted pursuant to the Act for the aggregation of residential and small commercial retail electric

loads located within the city.

Sec. 24-162. - Electric power aggregation.

(a) The corporate authorities are authorized to operate an electricity aggregation program and for that purpose may solicit bids and enter into service agreements to facilitate the sale and purchase of electricity and related services and equipment for those loads aggregated pursuant to the Act.

(b) The corporate authorities may operate the electricity aggregation program jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process to jointly authorize the electricity aggregation program by a majority vote of each particular municipality or county as required by the Act.

Sec. 24-163. - Opt-out program.

(a) The electricity aggregation program will operate as an opt-out program. Customers who do not wish to participate in the program may opt out pursuant to the Act.

(b) The public works director shall fully inform customers in advance that they have the right to opt-out of the electricity aggregation program. The disclosure provided to customers shall comply with the requirements of the Act.

(c) The electric aggregation will occur automatically for each customer owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the city, subject to a right to opt-out of the program as provided herein and in the Act.

Sec. 24-164. - Solicitation of bids.

The process for soliciting bids for electricity and other related services and awarding proposed agreements for the purchase of electricity and other related services for the electricity aggregation program will be conducted pursuant to the Act.

Secs. 24-165 - 24-170. - Reserved.

State law reference - Aggregation of electrical load by municipalities and counties, 20 ILCS 3855/1-92.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this

Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

This Ordinance shall be in full force and effect from and after its passage.

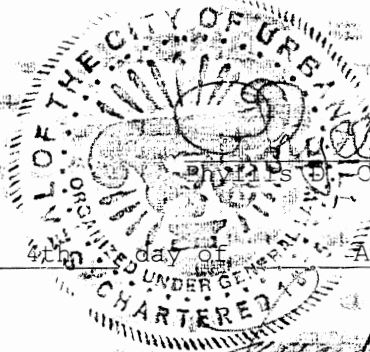
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this 2nd day of April, 2012.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Roberts, Smyth

NAYS:

ABSTAINED:



[Signature]

 Clark, City Clerk

APPROVED BY THE MAYOR this 4th day of April, 2012.

[Signature]

 Laurel Lunt Prussing, Mayor