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AN ORDINANCE AUTHORIZING AGGREGATION OF ELECTRICAL LOAD AND ADOPTING AN ELECTRIC AGGREGATION PLAN OF OPERATION AND GOVERNANCE

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WHEREAS, the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, recently added Section 1-92 entitled "Aggregation of Electrical Load by Municipalities and Counties" (the "Act"); and

WHEREAS, under the Act, the Village of Orland Park may operate an aggregation program under the Act as an opt-out program for residential and small commercial retail customers, if a referendum is passed by a majority vote of the residents pursuant to the requirements under the Act; and

WHEREAS, the Village submitted the question in a referendum on March 20, 2012, and a majority of the electors voting on the question voted in the affirmative; and

WHEREAS, the Village President and Board of Trustees hereby find that it is in the best interest of the Village to operate the electric aggregation program (the "Electric Aggregation Program") under the Act as an opt-out program and to implement the program according to the terms of the Act; and

WHEREAS, the Act requires that prior to the implementation of an opt-out electrical aggregation program by the Village, the Village must adopt an electrical power aggregation plan of operation and governance (the "Plan of Governance") and hold not less than two (2) public hearings; and

WHEREAS, the Village held the required public hearings for the Plan of Operation and Governance on April 9, 2012 and on April 17, 2012 after providing the public notices required under the Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

The Village President and Board of Trustees find and determine that it is in the best interests of the Village to operate the Electric Aggregation Program under the Act as an opt-out program.

SECTION 3

The Electric Aggregation Program shall be administered as follows:

A. The Village is hereby authorized to aggregate, in accordance with the terms of the Act, all residential and small commercial retail electrical loads located within the corporate limits of the Village, 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.

B. The Village President and Board of Trustees are granted the authority to exercise such authority jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process jointly to authorize aggregation by a majority vote of each particular municipality or county as required by the Act.

C. The Electric Aggregation Program for the Village shall operate as an opt-out program for residential and small commercial retail customers.

D. The Village, with the assistance from the Illinois Power Agency, shall develop a Plan of Governance for the Electric Aggregation Program and shall conduct such public hearings and provide such public notice as required under the Act. The Plan of Governance shall provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers, shall describe demand management and energy efficiency services to be provided to each class of customers and shall meet any requirements established by law concerning aggregated service offered pursuant to the Act.

E. As an opt-out program, the Village shall inform residential and small commercial retail customers in advance that they have the right to opt-out of the Electric Aggregation Program as required by the Act

F. The electric aggregation shall occur automatically for each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the Village, subject to a right to opt-out of the program as described under this ordinance and the Act.

G. The Village President and Board of Trustees hereby grant the Village Manager or his designee in writing the specific authority to execute a contract without further action by the Corporate Authorities and with the authority to bind the Village.

SECTION 4

The Village President and Board of Trustees hereby adopt the Plan of Operation and Governance as set forth in Exhibit "A" attached hereto and made a part hereof as if fully set forth by this reference.

SECTION 5

This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

The Village President and Board of Trustees find and determine that it is in the best interests of the Village to operate the Electric Aggregation Program under the Act as an opt-out program.