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**THE VILLAGE OF HOMER GLEN  
WILL COUNTY, ILLINOIS**

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**ORDINANCE**

**NUMBER 11-040**

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**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE  
ELECTORS OF THE VILLAGE OF HOMER GLEN, WILL COUNTY,  
THE QUESTION OF WHETHER THE VILLAGE 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**

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**JAMES P. DALEY, Village President  
GALE SKROBUTON, Village Clerk**

**MICHAEL COSTA  
TEDD KAGIANIAS  
MARY NIEMIEC  
MARGARET SABO  
MARCIA DE VIVO  
GEORGE YUKICH**

**Trustees**

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AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, THE QUESTION OF WHETHER THE VILLAGE 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

WHEREAS, the Village of Homer Glen, Will County, Illinois (the "*Village*") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "*Home Rule Powers*"); and,

WHEREAS, the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, added Section 1-92 entitled Aggregation of Electrical Loads by Municipalities and Counties, hereinafter referred to as the "Act"; and

WHEREAS, under the Act if the Village of Homer Glen seeks to operate the aggregation program as an opt-out program for residential and small commercial retail customers, then prior to the adoption of an ordinance to establish a program, the Village 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; and

WHEREAS, the Board of Trustees of the Village of Homer Glen hereby finds that it is in the best interest of the Village of Homer Glen 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 Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

SECTION ONE: The Board of Trustees of the Village of Homer Glen finds that the recitals set forth above are true and correct and includes the recitals in the Ordinance.

SECTION TWO: The Board of Trustees of the Village of Homer Glen finds and determines that it is in the best interest of the Village of Homer Glen to operate the aggregation program under the Act as an opt-out program.

SECTION THREE: In the event such question is approved by a majority of the electors voting on the question at the General Primary Election held on March 20, 2012, the Board of Trustees of the Village of Homer Glen may implement an opt-out aggregation program and if said Board of Trustees adopts the program the Village shall comply with all the terms and provision of the Act.

SECTION FOUR: The Village Clerk of the Village of Homer Glen is directed to certify and submit on or before January 12, 2012, the following question to the Will County Clerk to be placed on the ballot for the General Primary Election to be held on March 20, 2012 in the following form:

Shall the Village of Homer Glen 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 FIVE: 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 SIX: 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 SEVEN: Publication: That the Village of Homer Glen Clerk is hereby directed to publish this ordinance in pamphlet form.

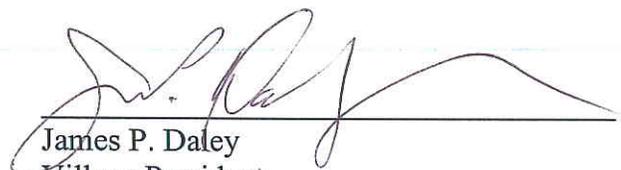
SECTION EIGHT: This ordinance shall be in full force and effect from and after its passage and approval as required by law.

*[Intentionally left blank]*

Adopted this 13<sup>th</sup> day of December, 2011 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa	X			
Kagianias	X			
Niemiec	X			
Sabo	X			
DeVivo	X			
Yukich	X			
Daley (Village President)	-			
TOTAL	6	0	0	-

**APPROVED** by the Village President on December 13, 2011.



James P. Daley  
Village President

ATTEST:



Gale Skroboton  
Village Clerk