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**TAMMY MITCHELL
CLERK, CITY OF TROY
116 E. MARKET
TROY, IL 62294**

CITY OF TROY

ORDINANCE NO. 2012 - 09

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE
CITY OF TROY, ILLINOIS, THE QUESTION OF WHETHER THE CITY SHOULD
HAVE THE AUTHORITY UNDER 20 ILCS 3855/1-92 TO ARRANGE FOR THE
SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL
RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH A PROGRAM**

**ADOPTED BY THE
CITY COUNCIL OF THE
CITY OF TROY, ILLINOIS
THIS 16 DAY OF JULY, 2012**

**Published in pamphlet form by the authority of the City Council of the City of Troy,
Madison County, Illinois, this 16 day of July, 2012.**

ORDINANCE NO. 2012 - 09

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF TROY, ILLINOIS, THE QUESTION OF WHETHER THE CITY SHOULD HAVE THE AUTHORITY UNDER 20 ILCS 3855/1-92 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH A PROGRAM

WHEREAS, on January 1, 2010, Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties, of Chapter 20, Illinois Compiled Statutes, Act 3855 Illinois Power Agency Act (hereinafter referred to as the “Act”) became effective; and

WHEREAS, under the Act if the City of Troy, Illinois, seeks to operate the aggregation program under the Act as an opt-out program for residential and small commercial retail customers, then prior to an adoption of an ordinance to establish a program, the City 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 City Council of the City of Troy, Illinois, may implement an opt-out aggregation program for residential and small commercial retail customers; and

WHEREAS, the City Council of the City of Troy, Illinois, hereby finds that it is in the best interests of the City of Troy, Illinois, 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 MAYOR AND CITY COUNCIL OF THE CITY OF TROY, ILLINOIS, AS FOLLOWS:

Section 1. The City Council of the City of Troy, Illinois, finds that the recitals set forth above are true and correct and includes the recitals in this Ordinance.

Section 2. The City Council of the City of Troy, Illinois, finds and determines that it is in the best interests of the City of Troy, Illinois, to operate the aggregation program under the Act as an opt-out program.

Section 3. That in the event such question is approved by a majority of the electors voting on the question at the regular election on November 6, 2012, the City Council of the City of Troy, Illinois, may implement an opt-out aggregation program and if the City Council adopts the program, the City of Troy, Illinois, shall comply with all the terms and provisions of the Act.

Section 4. The City Clerk is hereby directed to certify and submit on or before August 20, 2012, the following question to the Madison County Clerk to be placed on the ballot for the general election to be held on November 6, 2012, in the following form:

Shall the City of Troy 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 5. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a Court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

Section 6. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

Section 7. This Ordinance is effective upon its passage by the City Council and approval by the Mayor and publication as provided by law.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 16 day of July, 2012.


Those voting aye: Evans, Hendrickson, Italiano, Lanahan, Metcalf
Jackson, Partney

Those voting nay: 0

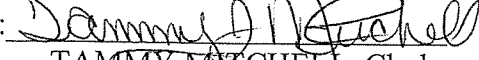
Those absent: Alderman Adomite

APPROVED:

By:


TOM CARAKER, Mayor
City of Troy, Illinois

ATTEST:

BY: 
TAMMY MITCHELL, Clerk
City of Troy, Illinois

(SEAL)