

COOK COUNTY, ILLINOIS

ORDINANCE NO. 11- 42

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A PUBLIC QUESTION
REGARDING ELECTRIC AGGREGATION TO THE VOTERS OF THE VILLAGE OF
HARWOOD HEIGHTS AT THE GENERAL PRIMARY ELECTION TO BE HELD ON
MARCH 20, 2012

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF HARWOOD HEIGHTS
THIS 8TH DAY OF DECEMBER, 2011

ARLENE C. JEZIERNY, MAYOR
MARCIA L. POLLOWY, CLERK

MARK DOBRZYCKI
MICHAEL J. GADZINSKI
DEMETRIOS MOUGOLIAS
THERESE SCHUEPFER
LAWRENCE STEINER
LESTER SZLENDAK

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WHEREAS, the Village of Harwood Heights is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, the corporate authorities of the Village are also authorized by the Illinois Power Agency Act, 20 ILCS 3855/1-92(a) to adopt an ordinance to aggregate residential and small commercial retail electrical supplies within the Village; and

WHEREAS, the corporate authorities are further authorized to submit a public question to the voters of the Village to determine whether the aggregation program shall operate as an opt-out program for residential and small commercial retail electric customers; and

WHEREAS, the corporate authorities do hereby find and determine that the question of whether a Village electric aggregation program should operate as an opt-out program within the Village should be submitted to the voters in the General Primary election scheduled for March 20, 2012.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, as follows:

SECTION 1. The foregoing recitals shall be and are incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. The referendum approved herein is submitted to the voters of the Village of Harwood Heights in order to determine whether a proposed electric aggregation program for the Village shall operate as an opt-out program. Under the proposed electric aggregation program, the Village or its agents shall negotiate retail and small commercial electric supplies for the Village as a whole. Under an opt-out program, Village residents and small commercial electric customers may choose not to participate in the Village's aggregation program.

SECTION 3. In the event such question is approved by a majority of the electors voting on the question at the General Primary election on March 20, 2012, the Village Board may implement an opt-out aggregation program and if the Village Board adopts the program the Village shall comply with all of the terms and provisions of the Illinois Power Agency Act.

SECTION 4. The public question shall be submitted to the voters of the Village in accordance with the general election law at the general primary election to be held on March 20, 2012, between the hours of 6:00 a.m. and 7:00 p.m. on said day ("Election").

SECTION 5. The Election shall be held in the voting precincts and at the polling places established by the County Board ("County Board") of the County of Cook, Illinois ("County"), for voters of the Village at said general election.

SECTION 6: The County Clerk of the County ("County Clerk") shall give notice of the Election ("Notice") in accordance with the general election law by: (1) publishing Notice thereof once not more than thirty (30) nor less than ten (10) days prior to the date for the Election in a local community newspaper having general circulation in the Village; and (2) posting a copy of the Notice at least ten (10) days before the date of the Election at the principal office of the County Clerk.

SECTION 7: It is hereby found and determined that the Norridge/Harwood Heights Pioneer Press is a local, community newspaper of general circulation in the Village and suitable for publication of the Notice pursuant to the requirements of Section 12-5 of the Election Code of the State of Illinois, as amended ("Election Code").

SECTION 8: The Village Clerk shall post a copy of the Notice at the principal office of the Village.

SECTION 9: The Notice shall appear over the name or title of the County Clerk and shall be in substantially the following form:

NOTICE IS HEREBY GIVEN that at the general primary election to be held on Tuesday, the 20th of March, 2012, the following proposition will be submitted to the voters of the Village of Harwood Heights, Cook County, Illinois:

Shall the Village of Harwood Heights 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?

The purpose of the referendum is to determine whether the voters of the Village of Harwood Heights prefer an opt-out program in which the Village will negotiate for supplies of electricity on their behalf, unless the residential or small commercial electricity customer withdraws or opts out of the program.

The polls at said election will be open from 6:00 a.m. and continued open until 7:00 p.m. of that day.

Dated this _____ day of _____, 2012.

County Clerk

Cook County, Illinois

SECTION 10: The ballots to be used at the Election shall be substantially in the following form, with necessary alterations, changes, deletions and insertions as may be required by Articles 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the election:

(Face of Ballot)

OFFICIAL BALLOT

PROPOSITION TO DETERMINE WHETHER THE VILLAGE OF HARWOOD HEIGHTS SHALL ADOPT AN OPT-OUT AGGREGATION PROGRAM FOR RESIDENTIAL AND SMALL COMMERCIAL RETAIL ELECTRICITY CUSTOMERS IN THE VILLAGE OF HARWOOD HEIGHTS, COOK COUNTY, ILLINOIS.

(INSTRUCTIONS TO VOTERS: Mark a cross (X) in the space opposite the way you desire to vote.)

Shall the Village of Harwood Heights 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	

(Back of Paper Ballot)

OFFICIAL BALLOT

Official ballot for voting on the proposition to determine whether the Village of Harwood Heights shall adopt an opt-out aggregation program for residential and small commercial retail electricity customers in the Village of Harwood Heights, Cook County, Illinois, at the general primary election to be held on March 20, 2012.

Precinct Number: _____

Polling Place: _____

(facsimile signature)

County Clerk, the County of Cook, Illinois

SECTION 11: The Election shall be conducted by the election judges appointed by the County Board to act in the precincts at which said public question will be submitted to the voters of the Village.

SECTION 12: After the adoption hereof and no later than January 3, 2012, the Village Clerk shall certify a copy hereof to the County Clerk in order that the proposition set forth herein may be submitted to the voters of the Village at the Election.

SECTION 13: The Election shall be held and conducted and the returns thereof duly canvassed, all in the manner and time as provided by the general election law.

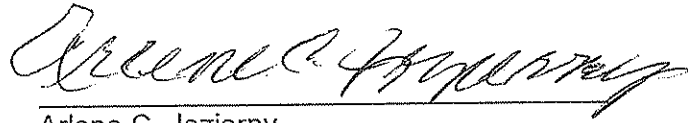
SECTION 14: If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 15: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

Adopted on this 8th day of December, 2011, pursuant to a roll call vote as follows:


	YES	NO	ABSTAIN	ABSENT	PRESENT
DOBRZYCKI	X				X
GADZINSKI	X				X
MOUGOLIAS	X				X
SCHUEPFER	X				X
STEINER	X				X
SZLENDAK	X				X
Mayor Jezierny					X
TOTAL	6				7

Approved by the Mayor on December 8, 2011.



Arlene C. Jezierny
Mayor

ATTEST:



Marcia L. Pollowy
Village Clerk

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ELECTION DEPARTMENT
2011 DEC 14 PM 3:24
OFFICE OF COUNTY CLERK

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

CERTIFICATION

I, Marcia L. Pollowy, certify that I am the duly elected and acting municipal clerk of the Village of Harwood Heights, Cook County, Illinois.

I further certify that on December 8, 2011, the Corporate Authorities of the Village of Harwood Heights passed and approved Ordinance No. 11-42, entitled,

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A PUBLIC QUESTION REGARDING ELECTRIC AGGREGATION TO THE VOTERS OF THE VILLAGE OF HARWOOD HEIGHTS AT THE GENERAL PRIMARY ELECTION TO BE HELD ON MARCH 20, 2012

The pamphlet form of Ordinance No. 11-42, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on December 6, 2011, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Village Hall.

Dated at Harwood Heights, Illinois, this 9th day of December, 2011.


Village Clerk

(VILLAGE SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Cook, Illinois (the "County"), and as such official I do further certify that on the 14 day of Dec, 2011, there was filed in my office a duly certified copy of a resolution entitled:

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A PUBLIC QUESTION REGARDING ELECTRIC AGGREGATION TO THE VOTERS OF THE VILLAGE OF HARWOOD HEIGHTS AT THE GENERAL PRIMARY ELECTION TO BE HELD ON MARCH 20, 2012

(the "Ordinance") duly adopted by the Village Board of the Village of Harwood Heights, Cook County, Illinois (the "Village"), on the 8th day of December, 2011, and that the same has been deposited in the official files and records of my office.

I do further certify that included in said certification were the form of public question to be placed on the ballot (the "Proposition") at the general primary election to be held on the 20th day of March, 2012 (the "Election"), and the date on which the Proposition was initiated by the adoption of the Resolution.

I do further certify that the Proposition will be submitted to the voters of the Village at the Election.

I do further certify that notice that the Proposition will be submitted to the voters of the Village at the Election (the "Notice") will be given as required by Section 12-5 of the Election Code of the State of Illinois, as amended, by (a) publishing the Notice once not more than 30 nor less than 10 days prior to the date of the Election in the Norridge/Harwood Heights Pioneer Press, being a local, community newspaper having general circulation in the Village, and (b) posting a copy of the Notice at my principal office at least 10 days before the date of the Election, as set forth in Section 5 of the Ordinance, and that the Notice will be substantially in the form set forth in Section 8 of the Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the County, this 14 day of Dec, 2011.



County Clerk, The County of Cook, Illinois

(Seal)