

**RESOLUTION NO. 42-12**

**A RESOLUTION PROVIDING FOR AND REQUIRING THE  
SUBMISSION OF A BINDING PUBLIC QUESTION TO DETERMINE  
WHETHER THE VILLAGE OF LOMBARD SHOULD HAVE THE  
AUTHORITY TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR  
ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS  
WHO DO NOT OPT OUT OF SUCH A PROGRAM, TO APPEAR  
ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LOMBARD  
AT THE GENERAL PRIMARY ELECTION TO BE HELD ON MARCH 20, 2012**

**WHEREAS**, the Village of Lombard is a municipal corporation duly organized and existing under the laws of the State of Illinois, and is a non-home rule unit of local government; and

**WHEREAS**, 20 ILCS 3855/1-92 provides that municipalities may, pursuant to approval by referendum, have the authority to arrange for the supply of electricity for the residential and small commercial customers who do not opt out of such a program; and

**WHEREAS**, the President and Board of Trustees of the Village of Lombard have determined that it is in the best interests of the Village of Lombard that there shall be submitted, to the qualified electors of the Village of Lombard, a binding public question concerning whether the Village of Lombard should have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who do not opt out of such a program;

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**Section 1.** That the proposition hereinafter set forth be submitted to the voters of the Village of Lombard (the "Village") at the General Primary Election to be held on Tuesday, the 20<sup>th</sup> day of March, 2012, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "Election").

**Section 2.** That the Election shall be held in the voting precincts and at the polling places established by the DuPage Board of Election Commissioners (the "Election Board") for voters of the Village at the Election.

**Section 3.** That the Election Board shall give notice of the Election (the "Notice") by:  
(i) publishing the Notice once, not more than thirty (30) nor less than ten (10) days prior to the date of the Election, in a local, community newspaper having general circulation in the Village; and (ii) posting a copy of the Notice at least ten (10) days before the date of the Election at its principal office, as required by Section 12-5 of the Election Code of the State of Illinois, as amended (the "Election Code"), 10 ILCS 5/12-5.

**Section 4.** That the Village Clerk shall post a copy of the Notice at least ten (10) days before the date of the Election at the principal office of the Village.

**Section 5.** That the Notice published by the Election Board and the County Clerk, in a community newspaper having general circulation in the Village of Lombard, shall be in substantially the following form, which includes a statement as to the purpose of the referendum as required by 20 ILCS 3855/1-92(a):

“NOTICE IS HEREBY GIVEN that, at the General Primary Election to be held on Tuesday, the 20<sup>th</sup> day of March, 2012, the following proposition shall be submitted to the voters of the Village of Lombard, DuPage County, Illinois:

Shall the Village of Lombard 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 a program?

The purpose of this referendum is to determine whether the Village of Lombard shall be allowed to have the authority to arrange for the supplier of electricity, for the residential and small commercial retail customers within the Village, in an effort to reduce the cost of the electricity for said customers, while allowing any such customer to have the option of opting out of the program, if said customer so chooses.

The polls at said election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Facsimile Signature  
DuPage Board of Election Commissioners,  
County of DuPage, Illinois”

**Section 6.** That the ballot to be used at the Election shall be in substantially the same form as is below, and shall meet the requirements of 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**

**BINDING PROPOSITION TO DETERMINE WHETHER  
THE VILLAGE OF LOMBARD SHOULD HAVE THE AUTHORITY  
TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS  
RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS  
WHO DO NOT OPT OUT OF SUCH A PROGRAM**

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

Shall the Village of Lombard 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 a program?	YES	
	NO	

(Back of Ballot)

**OFFICIAL BALLOT**

Official ballot for voting on the binding proposition to determine whether the Village of Lombard should have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who do not opt out of such a program, at the general primary election held on March 20, 2012.

Precinct Number: \_\_\_\_\_

Polling Place: \_\_\_\_\_

\_\_\_\_\_  
Facsimile Signature  
DuPage Board of Election Commissioners,  
County of DuPage, Illinois

**Section 7.** That the Election shall be conducted by the election judges appointed by the Election Board to act in the voting precincts at which said proposition shall be submitted to the voters of the Village of Lombard.

**Section 8.** That after the adoption hereof and not less than sixty-eight (68) days prior to the date of the Election, or January 12, 2012, the Village Clerk shall certify a copy hereof to the Election Board in order that the proposition set forth herein may be submitted to the voters of the Village of Lombard.

**Section 9.** The Election shall be held and conducted and the returns thereof canvassed, all in the manner and time as provided by the Illinois Election Code (10 ILCS 5/1, *et seq.*).

**Section 10.** That all ordinances, orders and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

**Section 11.** That this Resolution shall be posted in one or more public areas of the Village of Lombard.

**Section 12.** This Resolution shall be in full force and effect after its adoption and approval as provided by law.


**ADOPTED** this 20<sup>th</sup> day of October, 2011, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Giagnorio, Breen and Fitzpatrick

NAYS: None

ABSENT: Trustee Ware

**APPROVED** by me this 20<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
William J. Mueller, Village President

ATTEST:

  
\_\_\_\_\_  
Brigitte O'Brien, Village Clerk

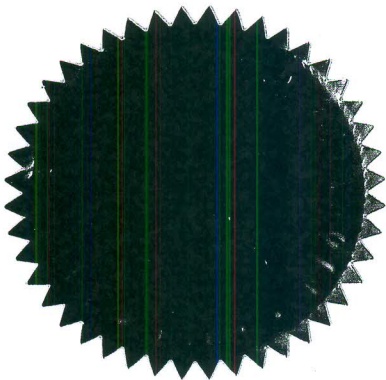


**VILLAGE OF LOMBARD  
CERTIFICATION OF THE TRANSLATION OF  
A REFERENDUM QUESTION,  
FROM ENGLISH TO SPANISH,  
FOR THE MARCH 20, 2012 GENERAL PRIMARY ELECTION**

To: DuPage County Election Commission

Pursuant to the Voting Rights Act, 42 U.S.C.A. §1973aa-1a, Section 203, attached please find a certified translation of the referendum question, as set forth in Village of Lombard Resolution No. 42-12, adopted October 20, 2011 (a certified copy of which is being filed with the DuPage County Election Commission simultaneously with this Certification), from English to Spanish, as prepared by Bilingual Communicators, Inc., a translation service.

  
\_\_\_\_\_  
Brigitte O'Brien  
Village Clerk  
Village of Lombard



Shall the Village of Lombard 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 a program?	YES	
	NO	

*BILINGUAL COMMUNICATORS, INC. CERTIFIES:* This to be the true and accurate translation of the above referendum question presented for translation from the English language into the Spanish language, to the best of our knowledge.

¿Debe el Pueblo de Lombard tener la autoridad para encargarse del suministro de electricidad de sus clientes residenciales y clientes con comercios pequeños de venta al por menor que no han optado por retirarse de dicho programa?	SI	
	NO	