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MEMORANDUM

To: David Hulseberg, Village Manager, Village of Lombard

From: Tom Bayer, Village Attorney

Via e-mail only

Date: October 10, 2011

Re: **Electric Load Aggregation Referendum**

Per the vote taken at the October 6, 2011 Village Board meeting, attached please find the following Resolution, relative to the above-captioned matter, for consideration at a future Village Board meeting:

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, 2011

Please note that, in order for the referendum to be placed on the March 20, 2012 ballot, the Resolution needs to be adopted by January 3, 2012. Upon adoption of the Resolution, a certified copy must be filed with the DuPage Board of Election Commissioners no later than January 20, 2012.

If there are any questions, please feel free to call.

encl.

cc: Brigitte O'Brien, Village Clerk (w/ encl.; via e-mail)
Timothy Sexton, Finance Director (w/ encl.; via e-mail)
Carol Bauer, Executive Coordinator (w/ encl.; via e-mail)
Denise Kalke, Deputy Village Clerk (w/ encl.; via e-mail)
Barb Johnson, Deputy Village Clerk (w/ encl.; via e-mail)

RESOLUTION NO. _____

**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
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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 20th 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 20th 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-one (61) days prior to the date of the Election, or January 20, 2012, the Village Clerk shall certify a copy hereof to the Election Board in order that the advisory 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 ____ day of _____, 2011, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk