

ORDINANCE NO. CO-2013-01 JAN 24 PM 4:00

OFFICE OF COUNTY CLERK

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF MAYWOOD, COOK 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 Maywood (the "Village") is a duly incorporated and existing home rule municipality, created under the provisions of the laws of the State of Illinois, and now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; 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 Maywood have determined that it is in the best interests of the Village that there shall be submitted, to the qualified electors of the Village, a binding public question concerning whether the Village 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.

**BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS.**

**SECTION 1.** The proposition hereinafter set forth shall be submitted to the voters of the Village at the Consolidated Election to be held on Tuesday, the 9th day of April, 2013, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "Election").

**SECTION 2.** The Election shall be held in the voting precincts and at the polling places established by the Cook County Clerk (the "County Clerk") for voters of the Village at the Election.

**SECTION 3.** The County Clerk shall give notice of the Election (the "Notice") by: (i) publishing the Notice once, not more than thirty\*(30) days nor less than ten (10) days prior to the date of the Election, in a local, community newspaper having general

circulation within the Village; and (ii) posting a copy of the Notice at least ten (10) days before the date of the Election at its respective 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.** 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.** The Notice published by the County Clerk, in a community newspaper having general circulation within the Village, 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 Consolidated Election to be held on Tuesday, the 9<sup>th</sup> day of April, 2013, the following proposition shall be submitted to the voters of the Village of Maywood, Cook County, Illinois:

Shall the Village of Maywood 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 this referendum is to determine whether the Village of Maywood shall be allowed to have the authority to arrange for the supply of electricity, for the residential and small commercial retail customers within the Village, in order to attempt 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
Facsimile Signature  
Cook County Clerk, County of Cook, Illinois"

**SECTION 6.** The ballot to be used at the Election shall be in substantially the same form as is set forth 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 in Cook County:

(Face of Ballot)

**OFFICIAL BALLOT**

**BINDING PROPOSITION TO DETERMINE WHETHER  
THE VILLAGE OF MAYWOOD 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 Maywood 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 at the consolidated election held on April 9, 2013 on the binding proposition to determine whether the Village of Maywood 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.

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

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

Facsimile Signature  
Cook County Clerk, Illinois

**SECTION 7.** The Election shall be conducted by the election judges appointed by the County Clerk to act in the voting precincts at which said proposition shall be submitted to the voters of the Village.

**SECTION 8.** After the adoption hereof and not less than sixty-eight (68) days prior to the date of the Election, or January 31, 2013, the Village Clerk shall certify a

copy hereof to the County Clerk in order that the advisory proposition set forth herein may be submitted to the voters of the Village. Such certification shall include the form of the public question to be placed on the ballot, the date on which the public question was initiated by the adoption of this Ordinance, and a certified copy of this Ordinance, and shall be substantially in the form of EXHIBIT "A" attached hereto and hereby made a part of this Ordinance.

**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.** All ordinances, orders and resolutions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**SECTION 11.** This Ordinance shall be in full force and effect after its adoption and approval as provided by law.

**ADOPTED** this 15<sup>th</sup> day of January, 2013, pursuant to a roll call vote as follows:

AYES: Mayor Yarbrough Sr., Trustee(s) G. Guzman, A. Jaycox,  
E. Perkins, D. Flowers, M. Lightford and R. Rivers

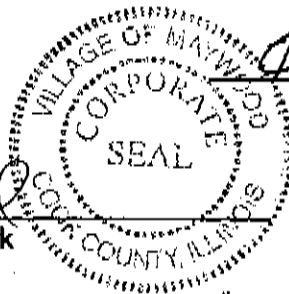
NAYS: None

ABSENT: None

**APPROVED** by me, and attested by the Village Clerk, this 15<sup>th</sup> day of January, 2013.

ATTEST:

Gary Wolf  
Village Clerk



Anderson Yarbrough Sr.  
Village President

Published by me in pamphlet form this 15<sup>th</sup> day of January, 2013.

Gary Wolf  
Village Clerk

STATE OF ILLINOIS )  
)SS  
COUNTY OF COOK )

TO: Cook County Clerk David D. Orr  
69 West Washington Street, Fifth Floor  
Chicago, Illinois 60602

**VILLAGE CLERK'S CERTIFICATE TO ELECTION AUTHORITY**

I, the undersigned, the duly qualified and acting Clerk of the Village of Maywood, Cook County, Illinois (the "Village"), pursuant to the applicable provisions of the Illinois Municipal Code and the Illinois Election Code, do hereby certify the following information in connection with the public question to be submitted at the general primary election scheduled for April 9, 2013, of whether the Village of Maywood 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 in accordance with Illinois law:

1. That attached hereto is a true and correct copy of an Ordinance entitled:  
**CO-2013-01**

**AN ORDINANCE PROVIDING FOR THE  
SUBMISSION TO THE ELECTORS OF THE VILLAGE OF MAYWOOD,  
COOK 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**

which Ordinance was duly adopted by said President and Board of Trustees at a meeting held on the 15<sup>th</sup> day of January, 2013, and approved by the President of the Village of Maywood on the 15<sup>th</sup> day of January, 2013, at which meeting a quorum of said President and Board of Trustees was present, and which Ordinance requires the submission to the voters of said Village of the following public question:

"Shall the Village of Maywood 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?"

2. That the aforesaid Ordinance includes the form of a public question to be placed on the ballot for the regularly-scheduled general primary election to be held on April 9, 2013, and that said public question was initiated by the President and Board of Trustees of the Village of Maywood, Cook County, Illinois, by adopting said Ordinance on January 15<sup>th</sup>, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand this 15<sup>th</sup> day of January, 2013.



Gary Wall  
Village Clerk, Village of Maywood

