

City of Lambertville
ORDINANCE NO. 16-2017

***AN ORDINANCE OF THE CITY OF LAMBERTVILLE, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY,
AUTHORIZING THE RENEWAL AND CONTINUATION OF A GOVERNMENT ENERGY
AGGREGATION PROGRAM***

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.* (“Act”) governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

WHEREAS, pursuant to the Act and BPU rules, by Ordinance No. 19-2013 adopted on September 17, 2013 by the governing body of the City of Lambertville (“City”), the City established a Government Energy Aggregation Program (“Program”) for the provision of electric power supply within the City for the purposes of obtaining power supply cost savings for residential and (if possible) business participants in the City; and

WHEREAS, the City of Lambertville has served as the Lead Agency of the Government Energy Aggregation Program in the City and, in that capacity and consistent with applicable rules, has solicited proposals and entered into contracts for the provision of electric generation services on behalf of residential customers within the boundaries of the City, which contracts have produced significant power supply cost savings to City residents; and

WHEREAS, the City of Lambertville has implemented the Program through the South Hunterdon Regional Energy Cooperative (“SHREC”), and has served as the Lead Agency of the SHREC for this purpose and, as Lead Agency, has solicited proposals and entered into cost-savings contracts for the provision of electric generation services on behalf not only of residential customers within the boundaries of the City but also the residents of the Township of West Amwell (“Township”), which has passed an ordinance to form a Government Energy Aggregation Program and to participate in the SHREC for that purpose; and

WHEREAS, the current Program power supply contract with South Jersey Energy will be expiring in December 2017; and

WHEREAS, the authorization provided to the City under Ordinance No. 19-2013 to solicit proposals and enter into power supply contracts under the Program has expired; and

WHEREAS, the City intends from time to time during the Effective Period as defined below to issue Requests for Proposals for electric generation services and energy aggregation services on behalf of the SHREC, pursuant to Local Public Contract Law Regulations, the Government Energy Aggregation Act, the Electric Discount and Energy Competition Act and all applicable rules and regulations, for the purpose of obtaining additional cost-saving power supply contracts for residents of the City, the Township, and any other municipalities that may pass an ordinance to establish a Government Energy Aggregation Program and to participate in the SHREC Program; and

WHEREAS, the City of Lambertville will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified and that submit price bids lower than the prevailing price for utility-provided basic generation service; and

WHEREAS, N.J.S.A. 48:3-93.1 *et seq.* requires the Program to be established by ordinance.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Lambertville, County of Hunterdon, State of New Jersey as follows:

SECTION 1. The City hereby renews and continues its Government Energy Aggregation Program (“Program”), originally established by Ordinance No. 19-2013, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 *et seq.*

SECTION 2. The Mayor is authorized to execute and the Clerk to attest to the execution of any necessary and applicable agreements, in a form acceptable to the City, in connection with the administration and implementation of the Program, including but not limited to an Electric Distribution Company Agreement with Jersey Central Power and Light Company (“JCP&L”) and a master performance agreement with a third party supplier duly awarded a contract by the City as the result of a Request for Proposals process.

SECTION 3. The City of Lambertville will act as Lead Agency of the SHREC and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of City residents and (if possible) businesses, as well as the residents and (if possible) businesses of any surrounding municipalities that pass an ordinance to form a Government Energy Aggregation Program and to participate in the SHREC for that purpose, and enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.

SECTION 4. As Lead Agency the City of Lambertville will execute a master performance agreement that obligates the participants in the SHREC to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the SHREC, and provided that such contract shall be at prices reasonably forecast and estimated by the City of Lambertville to provide savings to participants relative to the price charged for basic generation service by JCP&L.

SECTION 5. The authorization provided herein shall be valid until December 31, 2020 (the “Effective Period”), at which time the Program will be subject to renewal at the discretion of the City of Lambertville.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

INTRODUCTION AND FIRST READING: May 16, 2017
PUBLIC HEARING AND SECOND READING: June 20, 2017

CLERKS CERTIFICATE

I, Cynthia L. Ege, CMR, RMC, Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey (herein called the "City"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all ordinances and resolutions of the City. The representations made herein are based upon the records of the City.
2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the City on first reading May 16, 2017 and finally adopted by the governing body on June 20, 2017.
3. On May 17, 2017 a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the City at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them.
4. After final passage, the ordinance, a copy of which is attached hereto, was duly published on June 26, 2017. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within the 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this [REDACTED] day of July 2017.

Cynthia L. Ege, CMR, RMC, City Clerk

(Seal)