

**WEST AMWELL TOWNSHIP
ORDINANCE 06-2017**

**AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, 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. 12, 2013 adopted on September 9, 2013 by the governing body of the Township of West Amwell (“Township”), the Township established a Government Energy Aggregation Program (“Program”) for the provision of electric power supply within the Township for the purposes of obtaining power supply cost savings for residential and (if possible) business participants in the Township; and

WHEREAS, the Township of Amwell, for efficiency and cost-effectiveness and to achieve additional purchasing power for its residents and business, authorized the implementation of its Program through the South Hunterdon Regional Energy Cooperative (“SHREC”), of which the City of Lambertville serves as Lead Agency and, in that capacity and consistent with applicable rules, the City of Lambertville (“City”) has solicited proposals and entered into contracts for the provision of electric generation services on behalf of residential customers within the boundaries of the Township as well as the City, which contracts have produced significant power supply cost savings to Township residents; 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 Township under Ordinance No. 12, 2013 to solicit proposals and enter into power supply contracts under the Program has expired; and

WHEREAS, the Township intends from time to time during the Effective Period as defined below, via the SHREC, to issue Requests for Proposals for electric generation services and energy aggregation services on behalf of the participating residents and (if possible) business, 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 Township; and

WHEREAS, the SHREC 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 Township of West Amwell, County of Hunterdon, State of New Jersey as follows:

SECTION 1. The Township 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 Township, 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”).

SECTION 3. The Township of West Amwell will implement the Program through the SHREC, of which the City of Lambertville is Lead Agency, and, consistent with applicable rules, the Township will via the SHREC solicit proposals for electric generation service and energy aggregation services on behalf of Township residents and (if possible) businesses, and via the SHREC 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. The Township will, via the Lead Agency of the SHREC, execute a master performance agreement that obligates the participants in the Program 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 Lead Agency 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 authorization of the Program and the Township’s participation in the SHREC for that purpose will be subject to renewal at the discretion of the Township of West Amwell.

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.

APPROVED BY TOWNSHIP COMMITTEE

John Dale, Mayor

ATTEST:

Lora L. Olsen, RMC
Township Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on May 17, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on June 7, 2017 at 7:30 p.m. All interested parties will be heard at this time.