

**SOUTH ORANGE VILLAGE**  
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## **ORDINANCE #2022-09**

**Introduction: February 28, 2022**

**Adoption: March 28, 2022**

### **AN ORDINANCE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, COUNTY OF ESSEX COUNTY, STATE OF NEW JERSEY, RE-AUTHORIZING A GOVERNMENT ENERGY AGGREGATION PROGRAM**

**WHEREAS**, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. 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 Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the Township of South Orange Village (the "Village") adopted an ordinance authorizing the establishment of a Government Energy Aggregation Program ("Program") for residential and business participants in the Village, and the Village has successfully implemented multiple rounds of the energy aggregation program; and

**WHEREAS**, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the Village seeks to re-authorize the Government Energy Aggregation Program (the "Program") for the provision of electricity within the Village, for the purpose of obtaining power supply for residents with higher renewable energy content but no higher cost than power supply provided by the local electric utility Public Service Electric and Gas ("PSE&G"); and

**WHEREAS**, the Maplewood Township Committee intends to serve as the Lead Agency conducting the Program in Maplewood and, in that capacity and consistent with applicable rules, to solicit proposals and enter into a contract for the provision of electric generation services on behalf of residential customers within the boundaries of the Village, to the extent that such a contract will produce power supply for participating residents with higher renewable energy content and at no higher cost than PSE&G over the contract term; and

**WHEREAS**, the Maplewood Township Committee will from time to time during the Effective Period as defined below solicit proposals from electric power suppliers for electric generation services through the Program in which the Maplewood Township Committee will act as Lead Agency of the Program; and



**WHEREAS**, the Maplewood Township Committee will from time to time during the Effective Period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the Program pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act and the Electric Discount and Energy Competition Act; and

**WHEREAS**, the Maplewood Township Committee shall require that a fraction of the energy provided by the Program come from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the Request for Proposals for electric generation services and energy aggregation services on behalf of the Program; and

**WHEREAS**, the Maplewood Township Committee will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified and that submit proposals with higher renewable energy content and at a price no higher than the prevailing price for utility-provided basic generation service;

**WHEREAS**, pursuant to applicable BPU rules, the Village has previously entered into an Electric Distribution Company Aggregation Agreement with PSE&G; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Township of South Orange Village, Essex County, State of New Jersey as follows:

**SECTION 1.**

The Township of South Orange Village hereby re-authorizes its Government Energy Aggregation Program ("Program"), in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq.

**SECTION 2.**

The Village Administrator is authorized to execute and the Village Clerk to attest to the execution of any necessary contracts, in a form acceptable to the Village.

**SECTION 3.**

The Maplewood Township Committee will act as Lead Agency of the Program and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of Village residents, and enter into a



contract for such services provided that the lowest qualified bid includes enhanced renewable energy content is has a price no higher than the prevailing price for utility-provided basic generation service.

#### **SECTION 4.**

As Lead Agency the Maplewood Township Committee will 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 Program, and provided that such contract shall provide power supply with higher renewable energy content that that of PSE&G basic generation service and at prices reasonably forecast and estimated by the Maplewood Township Committee to be no higher than the price charged for basic generation service by PSE&G.

#### **SECTION 5.**

The authorization provided to the lead agent shall be valid until December 31, 2025 (the "Effective Period"), at which time the Program will be subject to renewal at the discretion of the Board of Trustees of the Township of South Orange Village.

#### **SECTION 6.**

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.

#### **Section 7.**

Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

#### **Section 8.**

This ordinance shall take effect after final passage and publication as required by law.



**Introduction – First Reading**

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Coallier		X	X			
Haskins	X		X			
Hartshorn Hilton			X			
Jones			X			
Zuckerman			X			

**CERTIFICATION**

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their meeting held on February 28, 2022.

Ojetti E. Davis  
Village Clerk

**Adoption – Second Reading**

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown			X			
Coallier			X			
Haskins	X		X			
Hartshorn Hilton			X			
Jones		X	X			
Zuckerman			X			

**CERTIFICATION**

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on March 28, 2022.

Ojetti E. Davis  
Village Clerk

Adopted:

Sheena C. Collum, Village President

Attest:

Ojetti E. Davis, Village Clerk