

**ORDINANCE 2015-05**

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
ESTABLISHING AN ENERGY AGGREGATION PROGRAM  
IN THE BOROUGH OF BAY HEAD PURSUANT TO THE  
GOVERNMENT ENERGY AGGREGATION ACT OF 2003**

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market and natural gas market; and

**WHEREAS**, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

**WHEREAS**, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and

**WHEREAS**, the realization of energy costs savings is in the interests of the health, safety and welfare of the residents of the Borough of Bay Head (the "Borough"); and

**WHEREAS**, the Borough hereby finds that it is in the best interests of residential and non-residential electric ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on electric rates; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

- 1- The Borough publicly declares its intent to become an aggregator of electric power on behalf of its residential and non-residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
- 2- The Borough will utilize Commercial Utility Consultants' Reverse Energy Auction Platform pursuant to the NJ E-PROCUREMENT Pilot program (P.L. 2001, c.30) under the NJ Department of Community Affairs. The Reverse Energy auction will seek bids from licensed and appropriate third party suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
- 3- The Mayor and Borough Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
- 4- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- 5- If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
- 6- This ordinance shall be effective immediately upon adoption and publication in accordance with law.

**ATTEST:**

**APPROVED:**

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Patricia M. Applegate, Municipal Clerk

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William W. Curtis, Mayor

Introduced on First Reading:

February 9, 2015

Introduced on Second Reading:

March 2, 2015

Approved on Second Reading:

March 2, 2015

**ATTEST:**

**APPROVED:**

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Patricia M. Applegate, Municipal Clerk

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William W. Curtis, Mayor