

ORDINANCE NO. 1779

AN ORDINANCE OF THE BOROUGH OF GLEN ROCK, COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM, AND AMENDING THE BOROUGH CODE TO ADD A NEW SECTION ENTITLED, "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 Borough seeks to establish a Government Energy Aggregation Program ("Program") for the provision of electricity within the Borough, for the purpose of obtaining power supply cost savings for residential participants in the Borough; and

WHEREAS, the GLEN ROCK Mayor and Council intends to serve as the Lead Agency conducting a Government Energy Aggregation Program in GLEN ROCK 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 Borough, to the extent that such a contract will produce power supply cost savings to residents; and

WHEREAS, the GLEN ROCK Mayor and Council 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 Discounted Energy Aggregation Plan (DEAL) pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act and the Electric Discount and Energy Competition Act; and

WHEREAS, the GLEN ROCK Mayor and Council is interested in mandating that a fraction of the energy provided by DEAL 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 DEAL; and

WHEREAS, the GLEN ROCK Mayor and Council 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;

WHEREAS, pursuant to applicable BPU rules, the Borough needs to enter into an Electric Distribution Company Aggregation Agreement with PSE&G; 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 Borough of GLEN ROCK, BERGEN COUNTY, State of New Jersey as follows:

SECTION 1. The Borough hereby establishes a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., and the Borough Code of the Borough of Glen Rock is hereby amended to add this new section entitled “Government Energy Aggregation Program”.

SECTION 2. The Mayor is authorized to execute and the Borough Clerk to attest to the execution of and Electric Distribution Aggregation Agreement, in a form acceptable to the Borough, with PSE&G.

SECTION 3. The GLEN ROCK Mayor and Council will act as Lead Agency of the DEAL and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of Borough residents, 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 GLEN ROCK Mayor and Council will authorize the execution of a master performance agreement that will obligate the participants in DEAL 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 DEAL, and provided that such contract shall be at prices reasonably forecast and estimated by the GLEN ROCK Mayor and Council to provide savings to participants relative to the price charged for basic generation service by PSE&G.

SECTION 5. The authorization provided to the lead agent shall be valid until March 30, 2021 (the “Effective Period”), at which time DEAL will be subject to renewal at the discretion of the GLEN ROCK Mayor and Council.

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.

SECTION 7.

This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

APPROVED:
BOROUGH OF GLEN ROCK

Jacqueline Scalia, Township Clerk

Mayor Bruce Packer