

O-11-24

**AN ORDINANCE OF BOROUGH OF WHARTON ESTABLISHING
AN ENERGY AND NATURAL GAS 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 (GEA) program, which is a government-operated purchasing cooperative through which multiple energy consumers, including residential and non-residential utility ratepayers, purchase energy generation services 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 GEA programs; and

WHEREAS, the deregulation of energy generation in the State of New Jersey has created a competitive marketplace, wherein residential and non-residential GEA participants may realize a direct reduction in the cost of electricity and gas supply on their utility bills; and

WHEREAS, through the aggregation process the government aggregator has the capacity to include energy purchased from renewable sources; and

WHEREAS, the realization of energy cost savings and the provision of options for purchasing energy from renewable sources serve the interests of the health, safety and welfare of the residents of the Borough of Wharton; and

WHEREAS, the Borough of Wharton hereby finds that it is in the best interests of residential and non-residential electric and gas ratepayers for the Borough of Wharton to create the opportunity for them to enter into an aggregation agreement in order to seek substantial savings on utility generation rates and be provided with options for reducing their carbon footprint; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Wharton in the County of Morris and the State of New Jersey, duly assembled in public session, as follows:

- 1. The Borough of Wharton publicly declares its intent to become an aggregator of electric power and natural gas on behalf its residential and non-residential consumers of electricity and natural gas, pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.**
- 2. The Borough of Wharton will utilize the services of an approved energy agent in implementing the GEA program. Such agent shall, on behalf of the Borough of Wharton, conduct a reverse energy auction to seek bids from licensed and qualified third-party energy 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, Borough Administrator 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.

First Reading: February 26, 2024

Second Reading: March 25, 2024

ATTEST:

**Cheryl Muzzillo,
Deputy Borough Clerk**

BOROUGH OF WHARTON

**WILLIAM J. CHEGWIDDEN,
MAYOR**