

RESOLUTION OF THE BOROUGH COUNCIL, OF THE BOROUGH OF WHARTON, COUNTY OF MORRIS, NEW JERSEY AUTHORIZING A GOVERNMENTAL ENERGY AGGREGATION PROGRAM AND APPOINTING TAURUS ADVISORY GROUP LLC AS ENERGY AGENT TO ASSIST THE BOROUGH IN THE IMPLEMENTATION AND ADMINISTRATION OF THE BOROUGH'S ENERGY AGGREGATION PROGRAM

WHEREAS, due to deregulation and restructuring of the electric and natural gas utility markets in the State of New Jersey, a competitive market place has been established; and

WHEREAS, the establishment of a Governmental Energy Aggregation Program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") increases competition in the provision of energy supply service to residential and non-residential electricity and gas ratepayers, which increases the likelihood that these users will receive lower electric and natural gas supply rates without interrupting service to those users;

WHEREAS, by purchasing energy from a third-party energy supplier, GEA Program participants may receive a direct reduction in their electric and gas bills; and

WHEREAS, it is in the best interests of the of the Borough of Wharton's residents' health, safety and welfare to realize savings on energy costs; and

WHEREAS, pursuant to an Ordinance adopted by the Borough of Wharton on May 19, 2014 ("Prior Ordinance"), the Borough of Wharton publicly declared its intent to commence a GEA Program within the Borough of Wharton and to become an aggregator of electric supply service and natural gas supply service on behalf of its residential and non-residential electricity and gas ratepayers pursuant to the Act and the Rules; and

WHEREAS, the Borough currently serves as the Lead Agent for a cooperative pricing system – the Morris Area Energy Cooperative – which was established in order to maximize the buying power of aggregation and the potential energy savings for all residents and local businesses by incorporating other interested communities into the procurement process

WHEREAS, the State of New Jersey has enacted P.L. 2018, c. - the "Local Unit Electronic Procurement Act" in order to promote efficiency and savings in the procurement of certain goods and services, including electric generation and natural gas supply services; and

WHEREAS, the Local Unit Electronic Procurement Act allows Municipalities in the State of New Jersey to be able to purchase electricity and natural gas supply through online bidding and reverse auction programs approved by the DCA without having to comply with

traditional public advertisement and bid requirements under the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*); and

WHEREAS the New Jersey Department of Community Affairs directs local governments to follow the guidance set forth in the Division of Local Government Services' Local Finance Notice 2012-12 when procuring electric generation and natural gas supply services and outlines State regulations exempting the engagement of State-approved agents providing these services from the public bidding process; and

WHEREAS, the Borough of Wharton believes that it will benefit from the assistance of Taurus Advisory Group (Taurus), a NJBPU registered consultant, aggregator, and agent whose platform has been approved by the NJDCA for the provision of energy procurement services; and

WHEREAS, Taurus accepts the opportunity to enter into a contractual agreement to serve as the Energy Agent for the Borough of Wharton's GEA Program without invoicing the Borough, its residents or any participants

WHEREAS, the Borough of Wharton hereby finds that it is in the best interests of residential and non-residential electricity and gas ratepayers of the Borough of Wharton to appoint Taurus to serve as Energy Agent in connection with the GEA Program pursuant to the Local Unit Electronic Procurement Act.

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

- 1. The Borough of Wharton hereby appoints Taurus to serve as Energy Agent to assist the Borough of Wharton with the implementation and administration of its GEA program.**
- 2. The following municipal officers are hereby authorized to execute any and all documents deemed necessary in accordance with the rules and regulations of the GEA program to carry out the purpose of this Resolution: The Mayor, Chief Financial Officer, Treasurer or any other municipal officer authorized to sign on behalf of the Borough of Wharton.**
- 3. All resolutions, or parts thereof, inconsistent herewith are hereby repealed and rescinded to the extent of any such inconsistency.**
- 4. This resolution shall take effect immediately upon adoption.**

Adopted: September 11, 2023

BOROUGH OF WHARTON

ATTEST:

**Cheryl Muzzillo,
Deputy Borough Clerk**

**WILLIAM J. CHEGWIDDEN,
MAYOR**