

August 4, 2021

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Re: 2021 Initiative Petition to Create a Community Energy Aggregation Program

Dear Committee of Petitioners:

On July 15, 2021, your Committee of Petitioners submitted an Initiative Petition to initiate "An Ordinance to Amend the Code of the Township of Teaneck, County of Bergen, State of New Jersey, by Adding Chapter 11B, Authorizing the establishment of a Community Energy Aggregation Program that Creates an Option for 100% Regionally Sourced Renewables" (hereinafter referred to as the "Petition"). The Petition was accompanied by supporting documents including both electronic and handwritten signatures.

The Petition states the following:

To the Teaneck Clerk and the Council of the Township of Teaneck, County of Bergen:

We, the undersigned, registered voters of the Township of Teaneck, Bergen County, New Jersey, under the power of initiative granted to voters of this Township by N.J.S.A. 40:69A-184, hereby propose the Ordinance attached hereto as Exhibit A and made a part hereof. If this Ordinance is not passed by the Council of the Township of Teaneck within the time prescribed by N.J.S.A. 40:69A-184 et seq., the undersigned voters demand that the same be submitted to the electorate for a vote in accordance with N.J.S.A. 40:69A-192b, with the question to be put to the voters in this manner:

QUESTION. Shall the attached Ordinance, submitted by initiative petition and amending the Code of Teaneck, be adopted so that Teaneck will create a community energy aggregation program under which the Township will purchase renewable electricity at discounted bulk rates and provide customers within its jurisdiction an opportunity to select a 100% renewable electricity alternative by 2030, preferably from regional sources?

This Ordinance establishes a Government Energy Aggregation Program, the "Community Energy Aggregation" program ("CEA"), in accordance with state law. Under the ordinance, the CEA will solicit requests for proposals for electric generation services and energy aggregation services on behalf of Township's residents and businesses. Public notice will allow non-residential energy consumers to opt into the program and residential customers to opt out. In addition to taking advantage of



## Township of Teaneck

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discounted rates through bulk purchasing, the program will help improve New Jersey's air quality and public health, while reducing harmful climate pollution and decreasing its reliance on fossil fuels, as no contract will be awarded unless it contains an option for customers to opt up to 100% renewable electricity and a minimum percentage of renewable electricity for all program participants meeting the following milestones: 50% from program inception through December 31, 2021; 60% from January 1, 2022 through December 31, 2023; 70% from January 1, 2024 through December 31, 2025; 80% from January 1, 2026 through December 31, 2027; 90% from January 1, 2028 through December 31, 2029; and 100% after December 31, 2029. The renewable electricity will be NJ PJM Renewable Energy Credits from the current calendar year, unless the municipality opts to enter into a power purchase agreement with a solar or wind energy provider to provide both energy and attributes together to meet some or all of the requirements of § 11B-3(c) within the area serviced by the current regional transmission organization to the maximum extent possible. Under state law, prices for electric generation services shall not exceed the cost of providing the service to each rate class and the pro rata value of the cost of compliance with the state's renewable energy portfolio standards, except where the electricity provided contains a greater percentage of renewable energy, as may be the case herein, and customers are provided notice and opportunity to opt out. A "Yes" vote is a vote to approve the Ordinance. A "No" vote is a vote against the Ordinance.

Before signing, please read the Ordinance as summarized and set forth in Exhibit A.

The Petition then recited the full text of the proposed ordinance. The Petition also contained the names and addresses of five voters, designated as the Committee of Petitioners.

Before conducting an examination of the sufficiency of the Petition, I determined that the Committee submitted a total of 877 signatures consisting of 614 electronic digital signatures and 263 handwritten signatures.

Initially, for any petition or initiative, my office is required to determine what number of signatures is required. The Petition was submitted pursuant to N.J.S.A. 40:69A-184. This statute provides that:

Any initiated ordinance may be submitted to the municipal council by a petition signed by a number of the legal voters of the municipality equal in number to at least 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected. An initiated ordinance may be submitted to the municipal council by a number of the legal voters of the municipality equal in number to at least 10% but less than 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected, subject to the restrictions set forth in section 17-43 (C. 40:69A-192) of this act.

In Teaneck, the last election at which members of the General Assembly were elected was in 2019. There exists a legitimate question of what the statute means by the

“total number of votes cast” but giving the statute the most liberal reading possible, the best reading for the Committee would be based on the total number of voters who voted at the last election at which members of the General Assembly were elected in Teaneck, which figure was 7908. Thus, the total number of signatures required to submit an initiated ordinance pursuant to N.J.S.A. 40A:69A-184 is 10% of 7908 or 791 signatures.

As a result of my examination of the Petition signatures pursuant to N.J.S.A. 40:69A-187, I have determined that the Petition is insufficient for the following reasons.

Initially, I have determined that the electronic signatures submitted by the Committee are all invalid. The basis for the acceptance of electronic signatures was set forth in Executive Order 132, which was effective April 29, 2020, which was modified by Executive Order 216 on January 25, 2021, and which was terminated by Executive Order 244 on June 4, 2021. Executive Order 244, which terminated the Public Health Emergency, was supplemented by PL 2021, C. 103, which provided for a thirty-day expiration period for all previously enacted Executive Orders. Thus, as of July 4, 2021, the relaxation of petition requirements, which permitted my office to accept electronic signatures, ended. Since the Committee did not submit any electronic petitions until July 15, 2021, my office is unable to accept them, and they are all deemed invalid.

After deducting the electronic signatures (614) from the total signatures submitted (877), the remaining number of signatures submitted (263) is well below the required number of signatures (791) required to initiate an ordinance. Furthermore, notwithstanding same, and to provide the Committee with further direction, my office has reviewed all of the signatures that were submitted and provides the additional information.

Of the petitions with electronic signatures submitted (614), (1) was deficient for not being fully completed (e.g. missing printed name, address, signature); (8) were deficient for providing information not corresponding with voter registration information (e.g. name, address); (32) were deficient for not being registered voters or not being registered voters in Teaneck; and (11) were deficient for being duplicates, for a total of (52) deficiencies, leaving a balance of (562) petitions with valid electronic signatures (assuming same had been submitted on or before July 4, 2021). (See the attached spreadsheet of deficient petitions with E-signatures.)

Of the petitions with handwritten signatures submitted (263), (2) were deficient for not being fully completed (e.g. missing printed name, address, signature); (50) were deficient for providing information not corresponding with voter registration information (e.g. name, address); (17) were deficient for not being registered voters or not being registered voters in Teaneck; (3) were deficient for being duplicates; and (4) were deficient for being illegible, for a total of (76) deficiencies, leaving a balance of (187) petitions with valid handwritten signatures. (See the attached spreadsheet of deficient petitions with handwritten signatures.)

The total number petitions submitted with valid electronic signatures (562) (assuming same were submitted on or before July 4, 2021) and with valid handwritten signatures (187) had totaled only (749) which was insufficient as being below of the number of valid petitions (791) required to initiate an ordinance pursuant to N.J.S.A. 40:69A-184.

Pursuant to N.J.S.A. 40:69A-188, the Committee may amend the Petition at any time within ten days from this Notice of Insufficiency.

Respectfully,  
Doug Ruccione, Township Clerk of the Township of Teaneck