

ORDINANCE NO. 571

AN ORDINANCE OF THE COLUSA CITY COUNCIL AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE CITY OF COLUSA

THE CITY COUNCIL OF THE CITY OF COLUSA, STATE OF CALIFORNIA, DOES
ORDAIN AS FOLLOWS:

SECTION I:

The Colusa City Council hereby finds and determines as follows:

1. On September 24, 2002, the Governor of California signed into law Assembly Bill 117 (Statute 2002, Chapter 838; see California Public Utilities Code section 366.2; hereinafter referred to as the “Act”), which authorizes any California city or county, whose governing body so elects, to combine electricity load of its residents and businesses in a Community Choice Aggregation program (“CCA”). The Act expressly authorizes participation in a CCA through a joint powers authority; and
2. On September 9, 2015, the County of Placer and the City of Colfax entered into the original Joint Exercise of Powers Agreement for the purpose of establishing the Sierra Valley Energy Authority as a joint powers authority under the Joint Exercise of Powers Act, Government Code section 6500, et seq.; and
3. The California Public Utilities Commission certified the “Implementation Plan” of the Sierra Valley Energy Authority, confirming compliance with the requirements of the Act; and
4. On February 22, 2017, the Amended and Restated Joint Powers Agreement became effective and authorized the Cities of Auburn, Lincoln, Rocklin, and the Town of Loomis to become Voting Members of the Sierra Valley Energy Authority and established a CCA program within the jurisdictions of all Voting Members; and
5. Resolution No. 2017-3 of the Sierra Valley Energy Authority approved a name change from Sierra Valley Energy Authority to Pioneer Community Energy (“Pioneer”), as it is known today; and
6. Subsequent amendments to the Amended and Restated Joint Powers Agreement have authorized the following to become voting members: Counties of El Dorado, Butte, Glenn, Nevada, Sutter, and Tuolumne; and the Cities of Placerville, Grass Valley, Nevada City, Chico, Live Oak, Orland, Oroville, Sonora, Willows, Yuba City, and the Town of Paradise.
7. Currently electricity is generated and provided to the residents of the City of Colusa by Pacific Gas and Electric Company (PG&E) with no alternative provider for the City of Colusa.

8. The City of Colusa finds it important that its residents, businesses and public facilities have alternative choices to energy procurement beyond PG&E.
9. In October 2025 the City of Colusa and Pioneer began an impact assessment study to consider the financial feasibility and assessed risk of the addition of the City of Colusa into the service area of Pioneer.
10. Contingent on completion of those discussions and study, the City of Colusa finds joining Pioneer will provide financial and other advantages to businesses and residents of the City.
11. The Amended and Restated Joint Exercise of Powers Agreement requires a prospective member to individually adopt a resolution of intent expressing desire to become a member of the Joint Powers Authority and adopt an ordinance electing to implement a CCA within its jurisdiction under California Public Utilities Code section 366.2.
12. The City of Colusa finds that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a “project” since it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Reg. § 15378.) Further, the ordinance is exempt from CEQA, as there is no possibility that the ordinance or its implementation would have a significant effect on the environment. (14 Cal. Code Reg. § 15061(b)(3).)

SECTION II:

The City Council of the City of Colusa authorizes the implementation of a Community Choice Aggregation program within the areas currently served by PG&E through participation in the Community Choice Aggregation program of the Pioneer Community Energy Joint Powers Authority, contingent on all of the following: (a) completion of the impact analysis by Pioneer, (b) adoption of a resolution of intent by the City of Colusa expressing the City’s desire to become a member of Pioneer, (c) approval by the City of Colusa of Pioneer Community Energy’s Amended and Restated Joint Exercise of Powers Agreement, as amended, (d) approval by the Governing Board of Pioneer Community Energy of the membership of City of Colusa and (e) the certification by the California Public Utilities Commission of the Implementation Plan filed by Pioneer to include the City of Colusa.

SECTION III:

The provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be invalid, the City Council of the City of Colusa that it would have passed this Ordinance irrespective of the invalidity of the provision held to be invalid and such invalidity shall therefore not affect the remaining provisions of this Ordinance which shall remain in full force and effect or the validity of its application to other persons or circumstances.

SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members of the City Council voting for and against same in the newspaper of general circulation printed and published in the City of Colusa.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Colusa at its meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RYAN CODORNIZ, MAYOR

ATTEST:

Shelly Kittle, City Clerk