

RESOLUTION NO. 2022-77

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY REQUESTING MEMBERSHIP IN PIONEER COMMUNITY ENERGY AND APPROVING THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT AND AMENDMENT NO. 5 THERETO

WHEREAS, 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); and

WHEREAS, on September 27, 2006, Assembly Bill 32 (AB 32), the Global Warming Solutions Act, was signed into law establishing the goal of reducing California's greenhouse gas (GHG) emissions to 1990 levels by 2020; and

WHEREAS, the Act expressly authorizes participation in a CCA through a joint powers agency, and on February 22, 2017, Pioneer Community Energy (Pioneer) was established as a joint powers authority pursuant to an Amended and Restated Joint Powers Agreement, as amended from time to time, for the establishment of a CCA; and

WHEREAS, the California Public Utilities Commission certified the "Implementation Plan" of Pioneer, confirming Pioneer's compliance with the requirements of the Act; and

WHEREAS, currently electricity is generated and provided to the residents of the City of Grass Valley by Pacific Gas and Electric Company (PG&E) with no alternative provider for the City; and

WHEREAS, the City finds it important that its residents, businesses and public facilities have alternative choices to energy procurement beyond PG&E; and

WHEREAS, in March 22, 2022, the City and Pioneer began discussions and studies to consider the financial feasibility and assessed risk of the addition of the City into the service area of Pioneer; and

WHEREAS, on October 25, 2022, the City Council approved Ordinance No. 819 conditionally authorizing the implementation of a Community Choice Aggregation Program within the areas currently served by PG&E in the City through participation in the Community Choice Aggregation Program of the Pioneer Community Energy Joint Powers Authority; and

WHEREAS, having conducted additional discussions with Pioneer and having reviewed the results of the impact analysis commissioned by Pioneer, the City believes joining Pioneer will provide financial and other advantages to businesses and residents of the City by providing alternative choices to energy procurement beyond PG&E; and

WHEREAS, the Pioneer 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

WHEREAS, the City finds that adoption of this resolution 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(a)). Further, the resolution is exempt from CEQA, as there is no possibility that the resolution or its implementation would have a significant effect on the environment. (14 Cal. Code Reg. § 15061 (b)(3)).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Grass Valley does hereby resolve, declare and order as follows:

Section 1. The recitals above are true and correct and are incorporated by this reference and constitute findings in this matter.

Section 2. The City Council of the City of Grass Valley hereby expresses its desire to become a member of the Pioneer Community Energy Joint Powers Authority.

Section 3. The City Council of the City of Grass Valley requests that the Board of Directors of Pioneer Community Energy approve the City of Grass Valley as a member of the Pioneer Community Energy Joint Powers Authority.

Section 4. The City Council of the Grass Valley approves the Amended and Restated Joint Exercise of Powers Agreement and Amendment No. 5 thereto (attached hereto as Exhibit A and incorporated as if fully set forth herein) and authorizes the Mayor to execute same.

Section 5. The City Council of the City of Grass Valley authorizes the City Manager, or designee, to execute other documents necessary or desirable to facilitate membership in Pioneer Community Energy, subject to review and approval by the City Attorney.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Grass Valley held on the 25th day of October 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ben Aguilar, Mayor

ATTEST:

Taylor Day, Deputy City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney