

ORDINANCE NUMBER 819

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE CITY OF GRASS VALLEY

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 of Grass Valley; and

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

WHEREAS, on 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, contingent on completion of those discussions and studies, the City believes joining Pioneer will provide financial and other advantages to businesses and residents of the City of Grass Valley; and

WHEREAS, the Pioneer Joint Powers Agreement requires a prospective member to individually adopt a resolution of intent expressing a desire to become a member of the Pioneer Joint Powers Authority and adopt an ordinance electing to implement a CCA within its jurisdiction pursuant to PUC 366.2; and

WHEREAS, the City 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(a)). 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)).

NOW THEREFORE, THE COUNCIL OF THE CITY OF GRASS VALLEY DOES HEREBY ORDAIN 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 authorizes the implementation of a Community Choice Aggregation Program within the City of Grass Valley through participation in the Community Choice Aggregation Program of the Pioneer Community Energy Joint Powers Authority, contingent on all of the following: completion of the impact analysis by Pioneer, the City's adoption of a resolution of intent expressing the City's desire to become a member of Pioneer, approval of an amendment to the Amended and Restated JPA by the City, each member entity, and the Pioneer Board, and the certification by the Public Utilities Commission of the Implementation Plan filed by Pioneer to include the City.

SECTION 3. 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 declares 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 4. This Ordinance shall take effect 30 days after its adoption.

SECTION 5. A summary of this Ordinance will be published within 15 days after its adoption in *The Union*, a newspaper of general circulation in the City of Grass Valley.

INTRODUCED and first read at a regular meeting of the City Council on the 11th day of October, 2022.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the 25th day of October, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ben Aguilar, Mayor

ATTEST:

APPROVED AS TO FORM:

Taylor Day, Deputy City Clerk

Michael Colantuono, City Attorney

PUBLISH DATE: _____