

RESOLUTION NO. 2023.09

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AUTHORIZING THE MAYOR TO APPOINT REPRESENTATIVES TO THE PIONEER BOARD OF DIRECTORS

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, 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, 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, the California Public Utilities Commission has approved Pioneer Community Energy application to serve the Cities of Nevada City and Grass Valley beginning in January 2024; 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). 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 approve the Mayor to appoint a primary board member and an alternate board members to the Pioneer Community Energy Board of Directors to represent the City of Grass Valley.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Grass Valley held on the 28th day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jan Arbuckle, Mayor

ATTEST:

Taylor Day, City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney