

RESOLUTION NO. 2024-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY APPROVING THE SECOND AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT FOR PIONEER COMMUNITY ENERGY

WHEREAS, the Sierra Valley Energy Authority was established on September 9, 2015, between the County of Placer and the City of Colfax; and

WHEREAS, the Sierra Valley Energy Authority was originally created for the purpose of providing a financing conduit and program expansion platform for the mPOWER Program; and

WHEREAS, counties and cities have the power under California law to aggregate electric load, to purchase and supply electricity for themselves and customers within their jurisdictions, by providing a Community Choice Aggregation (“CCA”) Program, pursuant to California Public Utilities Code Sections 331.1 and 366.2; and

WHEREAS, the Amended and Restated JPA allowed for the establishment of a Community Choice Aggregation Program within the jurisdictions of the Voting Members and authorized the Cities of Auburn, Lincoln, Rocklin, and the Town of Loomis to become Voting Members; and,

WHEREAS, the Amended and Restated JPA became effective on February 22, 2017; and

WHEREAS, on July 17, 2017, the Governing Board of the Sierra Valley Energy Authority took action to rename and brand Sierra Valley Energy Authority as Pioneer Community Energy (“Pioneer”); and

WHEREAS, on December 17, 2020, the Governing Board of Pioneer Community Energy approved Amendment No. 1 to the Amended and Restated JPA, which authorized the County of El Dorado and the City of Placerville to become Voting Members; and

WHEREAS, the Governing Board of Pioneer Community Energy has previously approved four amendments to the Amended and Restated JPA; and

WHEREAS, on October 25, 2022, the City Council approved Resolution No. 2022-77, requesting membership in Pioneer, approving the Amended and Restated JPA, and approving Amendment No. 5 thereto; and

WHEREAS, on November 17, 2022, the Governing Board of Pioneer Community Energy approved Amendment No. 5 to the Amended and Restated JPA, which authorized the Cities of Grass Valley and Nevada City to become Voting Members; and

WHEREAS, pursuant to Section 19 of the Amended and Restated JPA, the governing body of each Voting Member must individually approve amendments to the Amended and Restated JPA and thereafter the Governing Board of Pioneer ratifies the amendment; and

WHEREAS, individual approval of amendments by each Voting Member results in logistical complications and delays, which can be remedied by eliminating this requirement for certain

amendments and allowing the Governing Board of Pioneer to approve such amendments to the JPA with a two thirds vote after providing notice to Voting Members; and

WHEREAS, to these ends, the City Council of Grass Valley desires to approve the execution of the Second Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy to incorporate the changes made by the previous amendments to the Amended and Restated JPA, clarify language, correct clerical errors, and streamline adoption of amendments to the JPA that do not directly impact the member agencies or change the nature of Pioneer or its powers.

NOW, THEREFORE, the City Council of Grass Valley hereby resolves 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 Grass Valley hereby approves the Second Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy, in the form attached hereto as Exhibit "A," and authorizes and directs the Mayor to execute the Second Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy in the name and on behalf of the City.

Section 3. This Resolution shall take effect immediately upon its adoption.

Exhibit A: Second Amended and Restated Joint Exercise of Powers Agreement

PASSED AND ADOPTED by the City Council of Grass Valley at a regular meeting of said Council, on this 12th of March 2024, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Jan Arbuckle, Mayor

Attest:

City Clerk

Michael Colantuono, City Attorney