

RESOLUTION NO. 2024-69

A RESOLUTION OF THE CITY COUNCIL OF GRASS VALLEY APPROVING
THE REVISED 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, the Governing Board of Pioneer has since approved five amendments to the Amended and Restated JPA, which make certain changes and add new Voting Members to the JPA; 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 the Voting Members; and

WHEREAS, the Revised Second Amended and Restated JPA includes all amendments proposed in the Second Amended and Restated JPA; and

WHEREAS, the Revised Second Amended and Restated JPA includes additional amendments of (1) requiring any proposed amendments to

Member withdrawal (Section 14.A and B) will require Voting Member approval; (2) extend the notification period to Members of an upcoming amendment to the JPA from thirty (30) days to forty-five (45) days; and reflect the title change from Executive Director to Chief Executive Officer; and

WHEREAS, to these ends, the COUNCIL OF THE CITY OF GRASS VALLEY desires to approve the execution of the Revised 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 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 GRASS VALLEY CITY COUNCIL hereby approves the Revised 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 Revised Second Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy in the name and on behalf of GRASS VALLEY.

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

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

ADOPTED as a Resolution of the Council of the City of Grass Valley at a meeting thereof held on the 10th day of September 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING

Jan Arbuckle, Mayor

ATTEST:

Taylor Whittingslow, City Clerk

APPROVED AS TO FORM:

Michael Colantuono, City Attorney