



RESOLUTION NO. 2025-01

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND REQUESTING MEMBERSHIP IN PIONEER COMMUNITY ENERGY AND APPROVING THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT AS AMENDED THROUGH AMENDMENT NO. 6

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). The Act expressly authorizes participation in a CCA through a joint powers authority; and

WHEREAS, on September 9, 2015, the County of Placer and the City of Colfax entered into the original Joint Exercise of Powers Agreement for the purpose of establishing the Sierra Valley Energy Authority as a joint powers authority under the Joint Exercise of Powers Act, Government Code section 6500, et seq.; 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, 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, Resolution No. 2017-3 of the Sierra Valley Energy Authority approved a name change from Sierra Valley Energy Authority to Pioneer Community Energy (“Pioneer”), as it is known today; and

WHEREAS, subsequent amendments to the Amended and Restated JPA have authorized the County of El Dorado and the Cities of Grass Valley, Nevada City, and Placerville to become Voting Members; and

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

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

WHEREAS, in October 2024, the City of Orland and Pioneer began discussions and studies to consider the financial feasibility and assessed risk of the addition of the City of Orland into the service area of Pioneer; and

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

WHEREAS, the 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, agree to be bound by the Joint Exercise of Power Agreement, and its intention to have the Territory of the member's jurisdiction included in the service Territory of the CCA; and

WHEREAS, the City of Orland 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, THE CITY COUNCIL OF THE CITY OF ORLAND HEREBY RESOLVES AS FOLLOWS:

Section 1. The recitals above are true and correct and are incorporated into this resolution by this reference.

Section 2. The City Council of the City of Orland 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 Orland requests that the Board of Directors of Pioneer Community Energy approve the City of Orland as a member of the Pioneer Community Energy Joint Powers Authority.

Section 4. The City Council of the City of Orland approves the Amended and Restated Joint Exercise of Powers Agreement, as amended through Amendment No. 6 (attached hereto as Exhibit A and incorporated as if fully set forth herein) and authorizes the Mayor of the City of Orland to execute same.

Section 5. The City Council of the City of Orland 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 City of Orland City Council.

Section 6. This resolution shall take effect at the time Ordinance No. 2025-XX, Authorizing the Implementation of a Community Choice Aggregation Program in the City of Orland, becomes effective.

PASSED AND ADOPTED by the City Council of the City of Orland at a regular meeting of the Council, held the 4th day of February 2025, by the following vote of said Council: