

CITY COUNCIL

CITY OF ORLAND



ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE CITY OF ORLAND

THE CITY COUNCIL OF THE CITY OF ORLAND ORDAINS AS FOLLOWS:

SECTION I:

The City Council of the City of Orland hereby finds and determines as follows:

1. 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
2. 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
3. The California Public Utilities Commission certified the "Implementation Plan" of the Sierra Valley Energy Authority, confirming compliance with the requirements of the Act; and
4. On February 22, 2017, the Amended and Restated Joint Powers Agreement became effective and authorized the Cities of Auburn, Lincoln, Rocklin, and the Town of Loomis to become Voting Members of the Joint Exercise of Powers Agreement and established a Community Choice Aggregation Program within the jurisdictions of the Voting Members; and
5. 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
6. Subsequent amendments to the Amended and Restated Joint Powers Agreement have authorized the County of El Dorado and the Cities of Grass Valley, Nevada City, and Placerville to become Voting Members; and
7. Currently, electricity is generated and provided to the residents of the City of Orland (City) by Pacific Gas and Electric Company (PG&E) with no alternative provider for the City of Orland.

8. The City Council for the City of Orland finds it important that its residents, businesses and public facilities have alternative choices to energy procurement beyond PG&E.
9. In October of 2024, 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.
10. 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.
11. 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 and adopt an ordinance electing to implement a CCA within its jurisdiction under California Public Utilities Code section 366.2.
12. 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). 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)).

SECTION II:

The City Council of the City of Orland authorizes the implementation of a Community Choice Aggregation Program within the areas currently served by PG&E through participation in the Community Choice Aggregation Program of the Pioneer Community Energy Joint Powers Authority, contingent on all of the following: (a) completion of the impact analysis by Pioneer, (b) adoption of a resolution of intent by the City expressing the City's desire to become a member of Pioneer, (c) approval of Pioneer Community Energy's Amended and Restated Joint Exercise of Powers Agreement, as amended, by the City, (d) approval by the Governing Board of Pioneer Community Energy of the membership of the City, and (e) the certification by the California Public Utilities Commission of the Implementation Plan filed by Pioneer to include the City.

SECTION III:

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 of the City of Orland 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 IV:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members of the City Council of the City of Orland voting for and against same in the Valley Mirror, a newspaper of general circulation printed and published in the City area.

This Ordinance was first introduced at the regular meeting of the City Council on **February 4, 2025.**

PASSED AND ADOPTED by the Orland City Council on this **18th** day of **February**, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Matt Romano, Mayor
City of Orland

Jennifer Schmitke, City Clerk