

ORDINANCE NO. 902

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA, ADDING CHAPTER 1.30 – COMMUNITY CHOICE AGGREGATION PROGRAM, TO TITLE 1, GENERAL PROVISIONS, OF THE SONORA MUNICIPAL CODE, AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE CITY OF SONORA

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 the Sierra Valley Energy Authority, confirming compliance with the requirements of the Act; and

WHEREAS, 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

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 Joint Exercise of Powers Agreement 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 the City of Sonora by Pacific Gas and Electric Company (PG&E) with no alternative provider for the City of Sonora; and

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

WHEREAS, in July 2024, the City of Sonora and Pioneer began discussions and studies to consider the financial feasibility and assessed risk of adding the City of Sonora into the Pioneer service area, and those discussions and studies remain ongoing; and

WHEREAS, contingent on the completion of those discussions and studies, the City of Sonora believes joining Pioneer will provide financial and other advantages to businesses and residents of the City of Sonora; and

WHEREAS, the Pioneer Community Energy Joint Exercise of Powers Agreement (Agreement) requires each prospective member that wishes to participate in the CCA program to adopt a resolution expressing its desire to become a member of the Agreement and its intention to have the territory of the member's jurisdiction included in the service territory of the CCA; and

WHEREAS, the Agreement requires each prospective member to adopt an ordinance in accordance with Public Utilities Code section 366.2(c)(12) for the purpose of specifying that the member intends to implement a CCA program by and through its participation in Pioneer; and

WHEREAS, the City of Sonora finds that the 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)).

NOW THEREFORE, THE COUNCIL OF THE CITY OF SONORA DOES HEREBY ORDAIN 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 the City of Sonora 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 of Sonora expressing the City of Sonora's desire to become a member of Pioneer, (c) approval of the Pioneer Community Energy Joint Exercise of Powers Agreement, as amended, by the City of Sonora, (d) approval by the Governing Board of Pioneer Community Energy of the membership of the City of Sonora, and (e) the certification by the California Public Utilities Commission of the Implementation Plan filed by Pioneer to include the City of Sonora.

SECTION 3:

If any provision of this Ordinance is for any reason held by a court to be invalid, the City Council of the City of Sonora 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 4:

This Ordinance shall take effect and be in full force thirty (30) days from and after its final passage and adoption.

SECTION 5:

A summary of this Ordinance will be published within fifteen (15) days after its passage, with the names of the members of the City Council voting for and against same in the Union Democrat, a newspaper of general circulation printed and published in the City of Sonora.

The foregoing ordinance was introduced on the 3rd day of February 2025, and adopted at a regular meeting of the City of Sonora, County of Tuolumne, State of California on this 18th day of 2025, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

APPROVED:

Tracy Skelly
City Clerk, City of Sonora

Ann Segerstrom
Mayor

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