

CITY OF FAIRFIELD

ORDINANCE NO. 2019-11

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE CITY OF FAIRFIELD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT

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); and

WHEREAS, on September 27, 2006, Assembly Bill 32 (AB 32), the Global Warming Solutions Act, was signed into law establishing the goal of reducing California's greenhouse gas (GHG) emissions to 1990 levels by 2020; and

WHEREAS, the Act expressly authorizes participation in a CCA through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE) was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time; and

WHEREAS, on February 2, 2010, the California Public Utilities Commission certified the "Implementation Plan" of MCE, confirming MCE's compliance with the requirements of the Act; and

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

WHEREAS, although PG&E is currently meeting the 33% renewable portfolio standard in its power mix as required by Executive Order-S-14-08, the City of Fairfield is committed to the development of renewable energy generation and energy efficiency improvements, reduction of GHG's, and protection of the environment in supporting MCE's electricity procurement plan that offers customers a minimum energy content of 60% renewable to up to 100% renewable; and

WHEREAS, MCE primarily sources its electrical energy from non-polluting renewables such as solar, wind, geothermal, bioenergy and hydroelectric; and

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

WHEREAS, the City of Fairfield finds that joining MCE will offer customers choice in their provider of electric generation and help meet the GHG emission reduction goals of AB 32; and

WHEREAS, the City of Fairfield finds that joining a CCA does not constitute a "project" within the meaning of the Public Resources Code Section 21065, 14 California Code of Regulations Section 15060(c)(3), or 14 California Code of Regulations Section 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and involves administrative activities that will not result in direct or indirect physical changes in the environment; and

WHEREAS, the MCE Joint Powers Agreement requires the City of Fairfield to individually adopt a resolution requesting membership in the MCE Joint Powers Authority and adopt an ordinance electing to implement a CCA within its jurisdiction.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD DOES 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. Joining a CCA does not constitute a "project" within the meaning of Public Resources Code Section 21065, 14 California Code of Regulations Section 15060(c)(3), or 14 California Code of Regulations Section 15378.

Section 3. The City Council of the City of Fairfield authorizes the implementation of a Community Choice Aggregation Program in the City of Fairfield and authorizes the City Manager to execute the MCE Joint Powers Agreement.

Section 4. Any portion of this ordinance deemed invalid or unenforceable shall be severed from the remainder, which shall remain in full force and effect.

Section 5. This ordinance shall take effect 30 days after its adoption.

Section 6. A summary of this ordinance will be published within 15 days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in the City of Fairfield.

INTRODUCED at a regular meeting of the City Council of the City of Fairfield on the 3rd day of December, 2019, and

PASSED AND ADOPTED this 17th day of December, 2019, by the following vote:

AYES: COUNCILMEMBERS: PRICE / ~~BERTANI~~ / MOY / TIMM / VACCARO

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: Bertani

ABSTAIN: COUNCILMEMBERS: NONE

Harry Price
MAYOR

ATTEST:
Karen L. Rees
CITY CLERK