



County of El Dorado
Kim Dawson, Clerk of the Board
330 Fair Lane
Placerville CA 95667

EDC BOS RCVD
MAR 13 2023 AM 10:31

March 10, 2023

RE: JPA Amendment No. 5

As each of the Member Agencies has adopted resolutions approving Amendment No. 5 to the Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy Expanding Pioneer Community Energy Joint Powers Authority Membership; and has remitted their respective signed and certified resolutions along with the original signed Amendment No. 5 document; Pioneer Community Energy Governing Board adopted Resolution 2022-26, approving Amendment No. 5 which shall take effect upon receipt of certification from the California Public Utilities Commission of Addendum No. 2 to the Implementation Plan and Statement of Intent.

As Pioneer has received notice of the California Public Utilities Commission certification, JPA Amendment No. 5 is effective as of February 27, 2023.

Pioneer is now providing a complete copy of the fully executed document to each of the Member Agencies for filing purposes.

We appreciate your diligence in providing the executed documents necessary to complete these actions.

Sincerely,

A handwritten signature in black ink that reads "Donald Eckert". The signature is fluid and cursive.

Donald Eckert, Executive Director

Enclosure

JPA Amendment No. 5 – fully-executed

Before the Governing Board of Pioneer Community Energy

**In the matter of: RESOLUTION APPROVING
AMENDMENT NO. 5 TO THE AMENDED AND
RESTATED JOINT EXERCISE OF POWERS
AGREEMENT FOR PIONEER COMMUNITY
ENERGY EXPANDING PIONEER COMMUNITY
ENERGY'S JOINT POWERS AUTHORITY
MEMBERSHIP**

Resolution No. 2022-26

The following Resolution was duly passed by the Governing Board of Pioneer Community Energy at a regular meeting held November 17, 2022, by the following vote on roll call:

Ayes: Dowdin Calvillo, Duncan, Heathcock, Hidahl, Thomas.

Noes: None.

Absent: Holmes, Janda, Jones, Karleskint.

Signed and approved by me after its passage.



Chair of the Governing Board

Attest:


Secretary

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 Program, pursuant to California Public Utilities Code Sections 331.1 and 366.2; and

WHEREAS, the Amended and Restated Joint Exercise of Power Agreement for the Sierra Valley Energy Authority (the "Amended and Restated JPA") became effective on February 22, 2017; and

WHEREAS, the Amended and Restated JPA allowed for the establishment of a Community Choice Aggregation (the "CCA") 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, 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, on December 17, 2020, the Governing Board approved Amendment No. 1 to the JPA to authorize the City of Placerville and Unincorporated El Dorado County to become Voting Members; and

WHEREAS, both the Cities of Grass Valley and Nevada City expressed a desire to join Pioneer for the purpose of participating in Pioneer's Community Choice Aggregation Program ("CCA Program"); and

WHEREAS, the Grass Valley and Nevada City Councils both took appropriate steps toward offering CCA service within their respective communities, adopting requisite resolutions and ordinance at duly noticed meeting of the municipalities' governing councils; and

WHEREAS, an impact assessment was performed to analyze the feasibility of expanding Pioneer's CCA Program service territory into the Cities of Grass Valley and Nevada City, the results of which showed such an expansion to be beneficial to both existing Pioneer ratepayers, and potential ratepayers in the Cities of Grass Valley and Nevada City; and

WHEREAS, each existing Voting Member has adopted respective resolutions approving Amendment No. 5 to the Amended and Restated JPA to provide for the Cities of Grass Valley and Nevada City to become Voting Members pursuant to the requirements of the Amended and Restated JPA; and

WHEREAS, the City Councils of the Cities of Grass Valley and Nevada City have adopted respective resolutions approving the Amended and Restated JPA and Amendment No. 5 to the Amended and Restated JPA; and

WHEREAS, pursuant to section 8 of the Amended and Restated JPA, an amendment requires an affirmative vote of at least two-thirds of the Pioneer Board Members; and

WHEREAS, Pioneer provided written notice to each Voting Member 30 days prior to the date the Pioneer Board intended to vote on an amendment to the Amended and Restated JPA as required by section 19 of the Amended and Restated JPA; and

WHEREAS, to these ends, the Pioneer Board desires to approve Amendment No. 5 to the Amended and Restated JPA to provide for the Cities of Grass Valley and Nevada City to become Voting Members under the Amended and Restated JPA for Pioneer Community Energy conditioned on an effective upon receipt of certification of Addendum No. 2 to the Implementation Plan and Statement of Intent from the California Public Utilities Commission.

BE IT RESOLVED, the Governing Board of Pioneer Community Energy, State of California, hereby finds, declares, and resolves as follows:

1. The above recitals are true and correct.
2. This Amendment No. 5 to the Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy provides for admission of the Cities of Grass Valley and Nevada City as Voting Members.
3. The Pioneer Community Energy Board of Directors hereby approves Amendment No. 5 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy under Joint Powers Law, in the form attached hereto as Exhibit A. The Chair is hereby authorized and directed to execute Amendment

No. 5 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy in the name and on behalf of the Board.

4. Pioneer Staff is hereby authorized to file Amendment No. 5 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy with the Secretary of State, LAFCos with jurisdiction over Pioneer's service territory, and to take all other necessary steps to implement Amendment No. 5.

5. This Resolution shall take effect immediately upon its adoption.

Exhibit A: Amendment No. 5 to the Amended and Restated JPA

**AMENDMENT NO. 5 TO THE AMENDED AND RESTATED JOINT EXERCISE
OF POWERS AGREEMENT FOR PIONEER COMMUNITY ENERGY**

THIS AMENDMENT (hereafter "Amendment") amends the Amended and Restated Joint Exercise of Powers Agreement (hereafter "Amended and Restated JPA") with the effective date of February 22, 2017 which was by and between the COUNTY OF PLACER, the CITY OF AUBURN, the CITY OF COLFAX, the CITY OF LINCOLN, the TOWN OF LOOMIS, and the CITY OF ROCKLIN, and as executed pursuant to Amendment No. 1 to the Amended and Restated JPA by the COUNTY OF EL DORADO and the CITY OF PLACERVILLE all public entities of the State of California. By this Amendment the City of Nevada City and the City of Grass Valley (collectively, the "New Voting Members") become signatories to the Amended and Restated JPA.

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 Amended and Restated JPA became effective on February 22, 2017 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, as it is known today; and

WHEREAS, Amendment No. 1 to the Amended and Restated JPA, which was approved by the Governing Board on December 27, 2020 and became effective March 9, 2021, authorized the County of El Dorado and the City of Placerville to become Voting Members; and

WHEREAS, the Voting Members wish to amend the Amended and Restated JPA a fifth time to add the City of Nevada City and the City of Grass Valley as Voting Members.

NOW, THEREFORE, IT IS MUTUALLY AGREED THAT THE FOLLOWING CHANGES AND ADDITIONS ARE HEREBY MADE IN THE AMENDED AND RESTATED JOINT POWERS AGREEMENT:

1. Section 5.A shall be replaced by the following:

Section 5. Governance and Internal Organization

- A. Governing Board. The governing body of the Authority shall consist of up to a eleven (11) person Board, consisting of two (2) members of the Placer County Board of Supervisors, and one (1) member each appointed by the El Dorado County Board of Supervisors, the Cities of Auburn, Colfax, Grass Valley, Rocklin, Lincoln, Nevada City, Placerville and the Town of Loomis that becomes a signatory to this Agreement ("Board Member").

The Board of Supervisors from Placer County, the Board of Supervisors from El Dorado County, and the City/Town Councils set out above shall respectfully appoint such member(s) and not less than one alternate member. The term of office of each Board Member and respective alternate may be terminated at any time by the appointing Board of Supervisors or City/Town Council. The designated alternate shall have authority to attend, participate, and vote at any meeting of the Board or committee whenever the regular member, for whom they are designated to act as an alternate, is absent from the meeting.

2. Effective Date. This Amendment shall take effect and become operative after the Cities of Grass Valley and Nevada City each approve and sign the Amendment and after the CPUC certifies the Implementation Plan filed by Pioneer to include the Cities of Grass Valley and Nevada City.
3. Counterparts. This Amendment may be executed in counterparts and be as valid and binding as if each Member signed the same copy. A faxed or scanned copy of the executed signature page shall be sufficient to cause the terms of this Amendment to become fully operative. The effective date of this Amendment shall be the date it is approved by the Pioneer Board.
4. Except as specifically amended above, all other provisions of the Amended and Restated JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the Voting Members have executed this Amendment No. 5 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy.

EXECUTED ON

By 
Chairman, Board of Supervisors

COUNTY OF EL DORADO, a political
subdivision

And approved as to form 10/25/2022

ATTEST:



SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

COUNTY OF PLACER, a political
subdivision

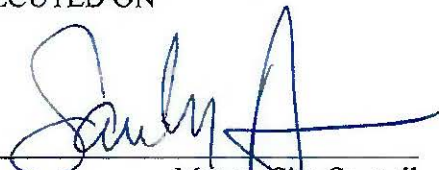
By Cody Gustafsa
Chairman, Board of Supervisors

And approved as to form _____

ATTEST:
Megan Wood

SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

By 

Mayor, City Council

CITY OF AUBURN, a Municipal Corporation

And approved as to form 

Gary Bell, City Attorney

ATTEST:



Amy Lind, City Clerk

SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

CITY OF COLFAX, a Municipal Corporation

And approved as to form

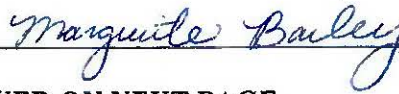


By



City Manager, Wes Heathcock

ATTEST:



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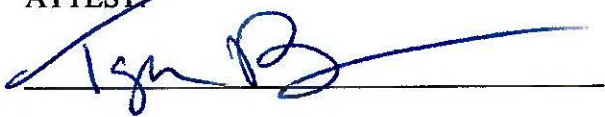
EXECUTED ON

CITY OF GRASS VALLEY, a Municipal Corporation

And approved as to form True copy

By 

Mayor, City Council

ATTEST:


SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

CITY OF LINCOLN, a Municipal Corporation

And approved as to form

A handwritten signature in blue ink, appearing to be "K. Kelly", written over a horizontal line.

By

A handwritten signature in blue ink, "Kelly Andreatta", written over a horizontal line.
Mayor, City Council

ATTEST:

A handwritten signature in blue ink, "Gwen Scanlon", written over a horizontal line.

SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON:
October 11, 2022

By 
Mayor, Town Council

TOWN OF LOOMIS, a Municipal Corporation And

approved as to form




Town Manager

ATTEST:



Deputy Town Clerk

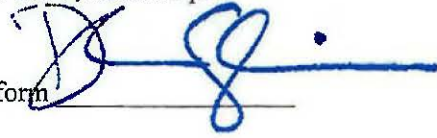
EXECUTED ON

By 

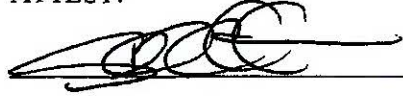
Mayor, City Council

CITY OF NEVADA CITY, a Municipal Corporation

And approved as to form



ATTEST:



SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

CITY OF PLACERVILLE, a Municipal Corporation

By 
Mayor, City Council

And approved as to form 

ATTEST:


SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

CITY OF ROCKLIN, a Municipal Corporation

And approved as to form



Sheri Chapman, City Attorney

By



Mayor, City Council

ATTEST:



Hope Ithurburn, City Clerk

SIGNATURES CONTINUED ON NEXT PAGE