



COUNTY OF EL DORADO

ORDINANCE NO. 5129

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN THE COUNTY OF EL DORADO

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 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, the California Public Utilities Commission certified the "Implementation Plan" of Pioneer, confirming Pioneer's compliance with the requirements of the Act; and

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

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

WHEREAS, in August of 2020, the County and Pioneer began discussions and studies to consider the financial feasibility and assessed risk of the addition of the unincorporated County into the service area of Pioneer; and

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

WHEREAS, the Pioneer Amended and Restated Joint 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 pursuant to PUC 366.2.

WHEREAS, the County 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(a)). 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 BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO 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. The Board of Supervisors of the County of El Dorado authorizes the implementation of a Community Choice Aggregation Program within the areas currently served by PG&E in the unincorporated west slope of the County through participation in the Community Choice Aggregation Program of the Pioneer Community Energy Joint Powers Authority, contingent on all of the following: completion of the impact analysis by Pioneer, the County’s adoption of a resolution of intent expressing the County’s desire to become a member of Pioneer, approval of an amendment to the Amended and Restated JPA by the County, each member entity, and the Pioneer Board, and the certification by the Public Utilities Commission of the Implementation Plan filed by Pioneer to include the County.

Section 3. 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 Board 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 30 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 29th day of September, 2020, by the following vote of said Board:

Ayes: Frentzen, Hidahl, Parlin, Novasel,
Veerkamp

Noes: None
Absent: None

ATTEST
KIM DAWSON
Clerk of the Board of Supervisors

By Kyra Schaffery
Deputy Clerk

Brian K. Veerkamp
Chair, Board of Supervisors
Brian K. Veerkamp

APPROVED AS TO FORM

David A. Livingston
David A. Livingston
COUNTY COUNSEL

I CERTIFY THAT:
The foregoing instrument is a correct copy
of the original on file in this office

Date 9/29/2020

ATTEST: KIM DAWSON,
Clerk of the Board of Supervisors of the
County of El Dorado, State of California.

By Kyra Schaffery
Deputy Clerk