



Legislation Details (With Text)

File #: 24-0206 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 1/22/2024 **In control:** Board of Supervisors

On agenda: 2/6/2024 **Final action:** 2/6/2024

Title: Chief Administrative Office recommending the Board adopt and authorize the Chair to sign Resolution 025-2024 approving the Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy, contingent on County Counsel approval.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Resolution - Pioneer Energy 2nd Amended and Restated Agreement, 2. B - Exhibit A Second Amended and Restated JPA Agreement, 3. C - Second Amended and Restated JPA Agreement REDLINE, 4. D - Pioneer Staff Report, 5. Executed Resolution 025-2024

Date	Ver.	Action By	Action	Result
2/6/2024	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board adopt and authorize the Chair to sign Resolution **025-2024** approving the Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy, contingent on County Counsel approval.

FUNDING: N/A

DISCUSSION / BACKGROUND

Pioneer Community Energy (“Pioneer”) is a Joint Powers Authority formed between the Counties of Placer and El Dorado, the Town of Loomis, and the Cities of Auburn, Colfax, Grass Valley, Lincoln, Nevada City, Placerville, and Rocklin. Pioneer is a Community Choice Aggregation Program (CCA) authorized under Assembly Bill 117 (2002). The CCA provides local control over the electricity supply with a primary goal of providing stable and competitive electricity rates to the residents and businesses within its member jurisdictions. Pioneer purchases the electricity supply and PG&E transmits and delivers the power through PG&E’s infrastructure (poles and wires). PG&E continues to own, operate, and maintain its distribution infrastructure. PG&E also continues to provide meter reading and billing services for Pioneer’s customers.

On December 19, 2023, the County of El Dorado received notice from Pioneer of a proposed vote to adopt a Second Amended and Restated Joint Powers Agreement (JPA). The majority of the proposed amendments to the JPA would clarify language and correct clerical errors. The primary substantive change would be to amend Section 19, Amendments, to streamline adoption of amendments to the JPA that do not directly impact the member agencies or change the nature of Pioneer or its powers.

Currently, notice of a proposed amendment must be sent to each member agency 30 days in advance of the Pioneer Governing Board’s consideration of the amendment. A two-thirds majority of the Board is required to approve an amendment. Further, the amendment must be approved by

separate resolution of each of the member agencies, and finally, notice must be provided to members after the amendment is final.

The proposed change would specify that only amendments to Section 4, Powers, and the addition of new member agencies would require member agency approval by resolution. Other amendments could be approved by the Pioneer Governing Board with a two-thirds vote, with notice provided to the member agencies 30 days prior and after the action. This is intended to allow amendments that are more internal in nature (affecting board membership, agency governance, etc.) to proceed with solely a two-thirds vote by the Pioneer Governing Board. That said, under the proposed process, the County of El Dorado would still be given notice and an opportunity to object to any proposed amendment.

The Pioneer Board voted on the proposed amendments on January 18, 2024.

ALTERNATIVES

Should the Board not approve the resolution, the matter of the JPA expansion would return to the Pioneer Board for consideration of next steps. This would be the case if even one JPA member rejected the resolution.

PRIOR BOARD ACTION

10/25/2022 Legistar Item 22-1892

11/10/2020 Legistar Item 20-1485

09/29/2020 Legistar Item 20-1198

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

FINANCIAL IMPACT

There is no impact to Net County Cost or General Fund associated with this item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Obtain the Chair's signature on the Resolution and forward a copy to the Chief Administrative Office.

STRATEGIC PLAN COMPONENT

Public Infrastructure

CONTACT

Alison Winter, Principal Management Analyst