



Legislation Details (With Text)

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Title: Chief Administrative Office recommending the Board adopt and authorize the Chair to sign Resolution 159-2024 approving the Revised Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Resolution Pioneer Revised 2nd Amended and Restated JPA, 2. B - Exhibit A Revised 2nd Amended and Restated Joint Powers Agreement, 3. C - Joint Powers Agreement Redline, 4. D - June 20 2024 Pioneer Community Energy Staff Report

Date	Ver.	Action By	Action	Result
9/24/2024	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board adopt and authorize the Chair to sign Resolution **159-2024** approving the Revised Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy.

FUNDING: N/A

DISCUSSION / BACKGROUND

Pioneer Community Energy (“Pioneer”) is a Joint Powers Authority (JPA) 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 Pacific Gas & Electric (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.

At the January 18, 2024 Pioneer Governing Board meeting, the Pioneer Board adopted a resolution approving the Second Amended and Restated JPA for Pioneer. The bulk of the changes were clarifying or clerical in nature. The most substantive change was to Section 19, Amendment. The current process requires all amendments to the JPA be individually approved by each Voting Member resulting in complications and delays and the proposed language provided remedy by eliminating this requirement for certain amendments and allowing the Board to approve such amendments to the JPA with a two-thirds vote after providing notice to Voting Members.

Subsequently, on February 6, 2024, with Legistar file 24-0206, the County adopted all of the

proposed amendments. However, the City of Rocklin and the Town of Loomis provided additional amendments for consideration:

- Section 14.A and B (Rocklin): relates to the process to withdraw from the JPA. The proposed amendment requires any change to this section to be approved by the Voting Members and include Section 14.A and B in Section 19.
- Section 19 (Loomis): amended to provide forty-five (45) days written note to all Members of amendments to the JPA from the current thirty (30) days.
- Title Change: Change the title of the Executive Director to Chief Executive Officer.

On June 20, 2024, the Pioneer Board approved the amendments provided by the Town of Loomis and the City of Rocklin and an administrative amendment related to the title change.

Due to the Second Amended and Restated JPA not being unanimously approved, the adoption of the Resolution at the February 6, 2024 County Board meeting is not in effect. The Revised Second Amended and Restated JPA includes prior amendments approved at Pioneer's Board meeting on January 18th and June 20th.

The Pioneer Board is expected to execute the Revised Second Amended and Restated JPA at the September 19, 2024 Pioneer Board meeting.

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, as would be the case if any one JPA member rejected the resolution.

PRIOR BOARD ACTION

Legistar file 20-1198 - September 29, 2020 - Board approved the implementation of a Community Choice Aggregation Program in the unincorporated areas of El Dorado County that are serviced by PG&E.

Legistar file 20-1485 - November 10, 2020 - Board approved Resolution requesting membership in Pioneer Community Energy and approving the amended and restated joint exercise of powers agreement.

Legistar file 22-1892 - October 25, 2022 - Amendment to Pioneer Energy membership to include the City of Grass Valley and Nevada City as Voting Members

Legistar file 24-0206 - February 6, 2024 - Board Approved the original Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy

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

N/A

CONTACT

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