

Before the Pioneer Community Energy Board, State of California

In the matter of: A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT FOR PIONEER COMMUNITY ENERGY EXPANDING PIONEER COMMUNITY ENERGY JOINT POWERS AUTHORITY MEMBERSHIP.

Resolution No.: 2020-25

The following Resolution was duly passed by the Pioneer Community Energy Board at a regular meeting held December 17, 2020, by the following vote on roll call:

AYES: Duncan, Karleskint, Burress, Dowdin Cavillo, Uhler, Holmes, Janda.

NOES: None.

ABSENT: None.

Signed and approved by me after its passage.



Chair, Board 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 Program (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, both El Dorado County and the City of Placerville expressed a desire to join Pioneer for the purpose of participating in Pioneer's Community Choice Aggregation Program ("CCA Program"); and

WHEREAS, the Placerville City Council and El Dorado County Board of Supervisors both took appropriate steps toward offering CCA service within their respective communities, adopting requisite resolutions and ordinances 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 unincorporated El Dorado County and the City of Placerville, the results of which showed such an expansion to be beneficial to both existing Pioneer ratepayers, and potential ratepayers in El Dorado County and the City of Placerville; and

WHEREAS, each existing Voting Member has adopted respective resolutions approving Amendment No. 1 to the Amended and Restated JPA to provide for El Dorado County and the City of Placerville to become Voting Members pursuant to the requirements of the Amended and Restated JPA; and

WHEREAS, the Board of Supervisors of the County of El Dorado and the City Council of the City of Placerville have adopted respective resolutions approving the Amended and Restated JPA and Amendment No. 1 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. 1 to the Amended and Restated JPA to provide for El Dorado County and the City of Placerville to become Voting Members under the Amended and Restated JPA for Pioneer Community Energy conditioned on and effective upon receipt of certification of Addendum No. 1 to the Implementation Plan and Statement of Intent from the California Public Utilities Commission.

BE IT RESOLVED, the 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. 1 to the Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy provides for admission of El Dorado County and the City of Placerville as Voting Members.

3. The City Council hereby approves Amendment No. 1 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy under the Joint Powers Law, in the form attached hereto as Exhibit A. The Chair is hereby authorized and directed to execute Amendment No. 1 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy in the name and on behalf of the Board.
4. This Resolution shall take effect upon receipt of certification of Addendum No. 1 to the Implementation Plan and Statement of Intent from the California Public Utilities Commission.

Exhibit: Amendment No. 1 to the Amended and Restated JPA

**AMENDMENT NO. 1 TO THE AMENDED AND RESTATED JOINT EXERCISE
OF POWERS AGREEMENT FOR PIONEER COMMUNITY ENERGY
[FORMERLY SIERRA VALLEY 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, all public entities of the State of California. By this Amendment it becomes the Joint of Exercise of Powers Agreement by and between the COUNTY OF PLACER, the CITY OF AUBURN, the CITY OF COLFAX, the TOWN OF LOOMIS, the CITY OF LINCOLN, the CITY OF ROCKLIN, and the County of El Dorado and the City of Placerville who become signatories to this Amendment (the “New Voting Members”, and together with 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, the “Voting Members”), as well as those local agencies that become signatories to this Amendment as Associate Members, and related to the joint exercise of powers among all of the signatories hereto either as Voting Members or Associate Members (hereafter collectively referred to as the “Members”).

WHEREAS, on September 9, 2015 the COUNTY OF PLACER and the CITY OF COLFAX entered into a Joint Exercise of Powers Agreement (hereafter “Original JPA”) for the purpose of providing a financing conduit program expansion platform for the mPOWER Program; 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; and

WHEREAS, one of the primary purposes of the Amended and Restated JPA was to allow for the establishment of 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, the Voting Members wish to amend the Amended and Restated JPA a first time to add the County of El Dorado and the City of Placerville 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 nine (9) 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, Rocklin, Lincoln, 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. Section 10.D shall be replaced by the following:

Section 10. Implementation Action and Authority Documents

- D. Implementation Plan and Statement of Intent. The Authority shall cause to be prepared an Implementation Plan and Statement of Intent meeting the requirements of California Public Utilities Code Section 366.2 and any applicable California Public Utilities Commission regulations. The Implementation Plan and Statement of Intent shall specify the service territory of the CCA to be within the boundaries of the Member jurisdictions that have taken the actions specified in A and B above. The Implementation Plan and Statement of Intent shall not be filed with the California Public Utilities Commission until it is approved by the Board in the manner provided in Section 5.

If a City or County adopts an ordinance and resolution pursuant to A and B above, expressing its desire to become a Member to this Agreement subsequent to the filing of the then most recently filed Implementation Plan and Statement of Intent, the Board shall direct the preparation and filing of a new or amended Implementation Plan and Statement of Intent to include the territory of the County or City as soon as reasonably practicable. The Board may require the County or City to pay the cost of preparation and submission of the Implementation Plan and Statement of Intent. Upon California Public Utilities Commission certification of the new or amended Implementation Plan and Statement of Intent, the Board shall take action to approve membership of the County or City. The County or City shall then be entitled to all rights under this Agreement, including a seat on the Board and voting rights pursuant to Section 5.A and Section 8.

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.

IN WITNESS WHEREOF, the Voting Members have executed this Amendment No. 1 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy.

EXECUTED ON

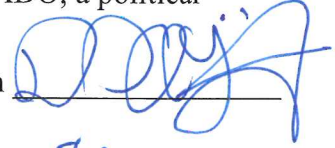
COUNTY OF EL DORADO, a political subdivision

By




Chairman, Board of Supervisors
John Hidahl, First Vice Chair

And approved as to form



ATTEST:



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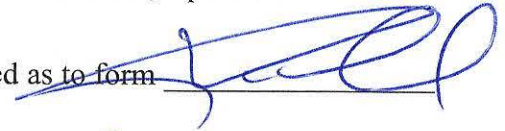
EXECUTED ON

COUNTY OF PLACER, a political
subdivision

By


Chairman, Board of Supervisors

And approved as to form



ATTEST:



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EXECUTED ON

By 
Mayor, City Council

CITY OF AUBURN, a Municipal Corporation

And approved as to form Mary Bell

ATTEST:

Amy Lind, City Clerk

SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

CITY OF COLFAX, a Municipal Corporation
And approved as to form *[Signature]*

By *[Signature]*
Mayor, City Council


ATTEST: *[Signature]*


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EXECUTED ON

CITY OF LINCOLN, a Municipal Corporation

And approved as to form 12/15/20

By 
Mayor, City Council

ATTEST:


SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON December 11, 2020 CITY OF PLACERVILLE, a Municipal Corporation

By Michael Sarmago
Mayor, City Council

And approved as to form John Priscall
P.P. & S.

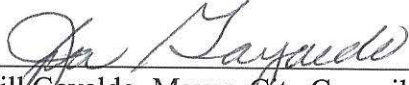
ATTEST:
E. A. Straun

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EXECUTED ON

CITY OF ROCKLIN, a Municipal Corporation

And approved as to form:

By 
Jill Gayaldo, Mayor, City Council


Sheri Chapman, City Attorney

ATTEST:


Hope Ithurnburn, City Clerk

SIGNATURES CONTINUED ON NEXT PAGE

EXECUTED ON

By Jim Clark - Clerk
Mayor, Town Council

TOWN OF LOOMIS, a Municipal Corporation

And approved as to form _____

ATTEST:

Crickitt Strick