

Before the Governing Board of Pioneer Community Energy

**In the matter of: A RESOLUTION APPROVING
AMENDMENT NO. 3 TO AMENDED AND RESTATED
JOINT EXERCISE OF POWERS AGREEMENT FOR
PIONEER COMMUNITY ENERGY REMOVING THE
REQUIREMENT THE PLACER COUNTY TREASURER
AND AUDITOR-CONTROLLER SHALL SERVE AS
TREASURER AND AUDITOR-CONTROLLER AND
ALLOWING THE GOVERING BOARD TO APPOINT
THE TREASURER AND AUDITOR-CONTROLLER
FOR PIONEER COMMUNITY ENERGY.**

Resolution No.: 2021-16

The following Resolution was duly passed by the Governing Board of Pioneer Community Energy at a regular meeting held April 15, 2021, by the following vote on roll call:

Ayes: Dowdin Calvillo, Duncan, Fatula, Hidahl, Janda, Jones, Karleskint, Saragosa, Holmes.

Noes: None.

Absent: None.

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 expansions 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 ("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 the brand Sierra Valley Energy Authority as Pioneer Community Energy ("Pioneer"); and

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

WHEREAS, the Governing Board wishes to amend the Amended and Restated JPA a third time to remove the requirement the Placer County Treasurer and Placer County Auditor-Controller serve as the Treasurer and Auditor-Controller for Pioneer Community Energy and allow the Governing Board to appoint the Treasurer and Auditor-Controller for Pioneer Community Energy in compliance with California Government Code section 6500 *et seq.*; and

WHEREAS, pursuant to section 6505.6 of the Government Code the Board is authorized to combine the offices of treasurer and auditor to be held by one officer or employee as appointed by the Board; and

WHEREAS, the Governing Board desires the incumbent Treasurer and Auditor Controller shall serve until such time the Board appoints a successor.

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

1. The above recitals are true and correct.
2. This Amendment No. 3 to the Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy removes the requirement the Placer County Treasurer and Placer County Auditor-Controller serve as the Treasurer and Auditor-Controller for Pioneer Community Energy and allows the Governing Board to appoint the Treasurer and the Auditor-Controller for Pioneer Community Energy including the authority to combine both offices to be held by one officer or employee in compliance with California Government Code section 6500 *et seq.*.
3. The Governing Board hereby approves Amendment No. 3 to the Amended and Restated Joint Powers Agreement for Pioneer Community as attached hereto as Exhibit A. The Chair is hereby authorized and directed to execute Amendment No. 3 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy in the name and on behalf of the Governing Board.
4. This Resolution shall take effect immediately upon its adoption.

Exhibit A: Amendment No. 3 to the Amended and Restated JPA

**AMENDMENT NO. 3 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, , 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, (the “Voting Members”) as wells as those local agencies that became 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 jurisdiction of the Voting Members; and

WHEREAS, Resolution 2017-3 of the Sierra Valley Clean 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 became effective March 9, 2021 and 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 third time to remove the requirement the Placer County Treasurer and Placer County Auditor-Controller serve as the Treasurer and Auditor-Controller of Pioneer Community Energy and to allow the Governing Board to appoint the Treasurer and Auditor in compliance with California Government Code section 6500 *et seq.*

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 7 shall be removed and replaced with the following:

- 7 Treasurer and Auditor-Controller. The Governing Board shall appoint a Treasurer for the Authority. The Treasurer shall be the depository of the Authority and shall have all of the duties and responsibilities specified in Section 6505.5 of the Act. The duties and obligations of the Treasurer are further specified in Section 9. The Governing Body shall appoint an Auditor-Controller for the Authority in compliance with the Act. The Auditor-Controller of the Authority shall make or contract with a certified public accountant to cause an annual audit in compliance with Section 6506 of the Act. The authority of the Board to appoint a Treasurer and Auditor/Controller shall include the authority to combine both offices to be held by one officer or employee pursuant to section 6505.6 of the Act.

IN WITNESS WHEREOF, the Governing Board of Pioneer Community Energy has approved this Amendment No. 3 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy.

EXECUTED ON

And approved as to form _____

By 
Chair, Pioneer Community Energy
Governing Board

ATTEST:

Secretary, Pioneer Community Energy
Governing Board