

Before the Governing Board of Pioneer Community Energy

In the matter of: A Resolution Approving Amendment No. 4 to the Amended and Restated Joint Exercise of Powers Agreement (“JPA”) for Pioneer Community Energy to Amend the Limitations on Power Designation in the Joint Powers Agreement

Resolution No.: 2022-4

The following Resolution was duly passed by the Governing Board of Pioneer Community Energy at a regular meeting held January 20, 2022, by the following vote on roll call:

Ayes: Dowdin Calvillo, Duncan, Heathcock, Hidahl, Holmes, Janda, Jones, Karleskint, Saragosa.
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, as a joint powers agency pursuant to the Joint Exercise of Powers Act (Government Code Sections 65000 et seq.): 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, Section 8.A of the Amended and Restated JPA requires the affirmative vote of at least two-thirds of the Board Members of Pioneer; and

WHEREAS, the Governing Board has previously approved three amendments to the Amended and Restated JPA; and

WHEREAS, pursuant to Government Code Section 6509, the manner in which Pioneer exercises its power is subject to the restrictions upon the manner of exercising power of one of the member agencies, as designated in the Amended and Restated JPA; and

WHEREAS, the Governing Board wishes to amend the Amended and Restated JPA a fourth time to change the member agency identified for purposes of Government Code Section 6509 from the County of Placer to the City of Colfax; and

WHEREAS, consistent with Section 19 of the Amended and Restated JPA, Pioneer provided written notice of the proposed fourth amendment to each Voting Member at least 30 days prior to the date the Governing Board intended to vote on the amendment.

BE IT RESOLVED, the Governing 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. 4 to the Amended and Restated Joint Exercise of Powers Agreement for Pioneer Community Energy provides that, for purposes of Government Code Section 6509, the powers of Pioneer Community Energy shall be exercised subject to the limitations on the manner of exercising such powers as are imposed on the City of Colfax, rather than the County of Placer.
3. The Governing Board hereby approves Amendment No. 4 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy, in the form attached hereto as Exhibit A. The Chair is hereby authorized and directed to execute Amendment No. 4 to the Amended and Restated JPA for Pioneer Community Energy in the name and on behalf of the Board.
3. This Resolution shall take effect immediately upon its adoption.

Exhibit A: Amendment No. 4 to the Amended and Restated JPA

**AMENDMENT NO. 4 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"); and

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, which was approved by the Governing Board on December 27, 2020 and became effective March 9, 2021, authorized the County of El Dorado and the City of Placerville to become Voting Members; and

WHEREAS, Amendment No. 2 to the Amended and Restated JPA, which was approved by the Governing Board on January 21, 2021, eliminated the provision allowing for a weighted vote based on calculated voting shares and related references to a weighted vote; and

WHEREAS, Amendment No. 3 to the Amended and Restated JPA, which was approved by the Governing Board on April 15, 2021, removed the requirement that the Placer County Treasurer and Placer County Auditor-Controller serve as the Treasurer and Auditor-Controller of Pioneer, and allowed the Governing Board to appoint the Treasurer and Auditor in compliance with Government Code Section 6500 *et seq.*; and

WHEREAS, the Governing Board desires to amend the Amended and Restated JPA a fourth time to provide that, for purposes of Government Code Section 6509, the powers of Pioneer Community Energy shall be exercised subject to the restrictions upon the manner of exercising such powers as are imposed on the City of Colfax, rather than the County of Placer.

NOW THEREFORE, IT IS MUTUALLY AGREED THAT THE FOLLOWING CHANGES AND ADDITIONS ARE HEREBY MADE IN THE AMENDED AND RESTATED JOINT POWERS AGREEMENT:

1. The final sentence of the first paragraph under Section 4 (Powers) shall be amended to read:

“As required by Government Code Section 6509, the power of the Authority is subject to the restrictions upon the manner of exercising power possessed by the City of Colfax.”

2. Except as specifically amended above, all other provisions of the Amended and Restated JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the Governing Board of Pioneer Community Energy has approved this Amendment No. 4 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy.

EXECUTED ON: January 25, 2022 Approved as to form: _____

By: 
Chair, Pioneer Community Energy
Governing Board

ATTEST:

Secretary, Pioneer Community Energy
Governing Board

WHEREAS, the Governing Board desires to amend the Amended and Restated JPA a fourth time to provide that, for purposes of Government Code Section 6509, the powers of Pioneer Community Energy shall be exercised subject to the restrictions upon the manner of exercising such powers as are imposed on the City of Colfax, rather than the County of Placer.

NOW THEREFORE, IT IS MUTUALLY AGREED THAT THE FOLLOWING CHANGES AND ADDITIONS ARE HEREBY MADE IN THE AMENDED AND RESTATED JOINT POWERS AGREEMENT:

1. The final sentence of the first paragraph under Section 4 (Powers) shall be amended to read:

“As required by Government Code Section 6509, the power of the Authority is subject to the restrictions upon the manner of exercising power possessed by the City of Colfax.”

2. Except as specifically amended above, all other provisions of the Amended and Restated JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the Governing Board of Pioneer Community Energy has approved this Amendment No. 4 to the Amended and Restated Joint Powers Agreement for Pioneer Community Energy.

E-SIGNED by Casey Strong
on 2022-01-28 11:55:06 PST

EXECUTED ON: _____

Approved as to form: _____

ATTEST:

By: _____
Chair, Pioneer Community Energy
Governing Board

Secretary, Pioneer Community Energy
Governing Board