

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING THE JOINT POWERS AGREEMENT FOR LOS ANGELES COMMUNITY CHOICE ENERGY AUTHORITY AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

THE CITY COUNCIL OF POMONA ORDAINS AS FOLLOWS:

WHEREAS, the City of Pomona has been actively investigating options to provide electric services to constituents within its service area with the intent of achieving greater local involvement over the provisions of electric services and promoting competitive and renewable energy;

WHEREAS, on September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, Ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act"), which authorizes any California city or county, whose governing body so elects, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation;

WHEREAS, the Act expressly authorizes participation in a Community Choice Aggregation (CCA) program through a joint powers agency, and to this end the County of Los Angeles (County) has been participating since 2015 in the evaluation of a CCA program for the County and the cities and towns within it;

WHEREAS, through Docket No. R.03-10-003, the California Public Utilities Commission has issued various decisions and rulings addressing the implementation of CCA programs, including the recent issuance of a procedure by which the California Public Utilities Commission will review "Implementation Plans," which are required for submittal under the Act as the means of describing the CCA program and assuring compliance with various elements contained in the Act;

WHEREAS, representatives from the City along with representatives from the County and participating cities within the County, have developed the Los Angeles Community Choice Energy Authority Joint Powers Agreement ("Joint Powers Agreement") (attached hereto as Exhibit A) in order to accomplish the following:

To form a Joint Powers Authority known as "Los Angeles Community Choice Energy Authority"; and

To specify the terms and conditions by which participants may participate as a group in energy programs, including but not limited to the preliminary implementation of a CCA program;

WHEREAS, representatives from the City along with the County and participating cities

within the County have developed a Business Plan (attached hereto as Exhibit B) that describes the formation of Los Angeles Community Choice Energy (LACCE) Authority and the CCA program to be implemented by and through the LACCE Authority;

WHEREAS, a final Implementation Plan will be submitted for review and adoption by the LACCE Authority's Board of Directors;

WHEREAS, as described in the Business Plan, Community Choice Aggregation by and through the LACCE Authority appears to provide a reasonable opportunity to accomplish all of the following:

- To provide greater levels of local involvement in and collaboration on energy decisions.

- To increase significantly the amount of renewable energy available to LACCE Authority energy customers,

- To provide initial price stability, long-term electricity cost savings and other benefits for the community, and

- To reduce greenhouse gases that are emitted by generating electricity for the community;

WHEREAS, the Act requires CCA program participants to individually adopt an ordinance ("CCA Ordinance") electing to implement a CCA program within its jurisdiction by and through its participation in the LACCE Authority;

WHEREAS, based on the feasibility studies and Business Plan, it is in the public's interest and welfare to establish a CCA program within the City of Pomona; and

WHEREAS, the Joint Powers Agreement expressly allows the City to withdraw its membership in the LACCE Authority (and its participation in the CCA program) by providing no less than 180 advance written notice to the LACCE Authority.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That the recitals set forth above are true and correct and are incorporated as though fully set forth herein.

SECTION 2. Based upon the findings and declarations set forth in this ordinance, and in order to provide businesses and residents within the jurisdictional boundaries of the City with a choice of power providers and with the benefits described in the recitals above, the City Council hereby elects to implement a CCA program within the City's jurisdiction boundaries. Upon approval of the LACCE Joint Powers Agreement, the City will implement the CCA program by and through the City's participation in the LACCE

Authority, a joint powers authority established pursuant to California Government Code section 6500 et seq. and California Public Utilities Code section 366(c)(12).

SECTION 3. That the City Council hereby approve and direct that the City proceed with the participation in the LACCE Joint Powers Authority.

SECTION 4. That the City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 5. That all the provisions of any of the City's ordinances as heretofore adopted by the City that are in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That this ordinance shall take effect thirty (30) days after its adoption.

SECTION 7. That the City Attorney prepared and framed this ordinance pursuant to Section _____ of the _____ Municipal Code and finds that the City Council has the authority to adopt this ordinance, that the ordinance is constitutionally valid and that the ordinance is consistent with the general powers and purposes of the City as set forth in Section _____ of the City's Municipal Code.

SECTION 8. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

Mayor

City Clerk