

ORDINANCE NO. 2019-4256

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, ESTABLISHING A COMMUNITY CHOICE AGGREGATION PROGRAM PURSUANT TO THE PUBLIC UTILITIES CODE

WHEREAS, the City of Pomona (“City”) is a charter city and a political subdivision of the State of California;

WHEREAS, the City is pursuing alternative energy solutions in hopes of bettering the current and future environmental and economic conditions of its community and region;

WHEREAS, the City has been actively investigating options to procure and provide electric power to its citizens with the intent of achieving greater local involvement over the provision of electric services and promoting competitively priced renewable energy;

WHEREAS, on September 24, 2002, the Governor signed into law Assembly Bill 117 which consists of amendments to and additions of Sections 218.3, 331.1, 366, 366.2, 381.1, 394 and 394.25 of the California Public Utilities Code (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, through Docket No. R.03-10-003, the California Public Utilities Commission (“Commission”) has issued various decisions and rulings addressing the implementation of Community Choice Aggregation programs, including the issuance of a procedure by which the Commission will review Implementation Plans, which are required for submittal under the Act as the means of describing the Community Choice Aggregation program and assuring compliance with various elements contained in the Act;

WHEREAS, an initial technical study concluded that a Community Choice Aggregation Program would serve the City and provide benefits to include the use of renewable energy at or above the required Renewable Portfolio Standard level while providing economic benefits to the City;

WHEREAS, the Pomona Implementation Plan was considered and approved by the Pomona City Council at its regular meeting of October 15, 2018;

WHEREAS, the Pomona Implementation Plan was subsequently filed with the Commission for review and certification in December 2018;

WHEREAS, as described in the Implementation Plan, Community Choice Aggregation by and through the City appears to provide a reasonable opportunity to accomplish all of the following: (a) provide greater levels of local involvement in and collaboration on energy decisions; (b) increase the amount of locally supplied renewable energy available to the City’s citizens; and (c) provide initial price stability, long-term electricity cost savings and other benefits for the

community;

WHEREAS, the City Council has determined that it is in the public interest and welfare to establish a Community Choice Aggregation Program; and

WHEREAS, the Act requires Community Choice Aggregation program participants to adopt an ordinance electing to implement a Community Choice Aggregation program within the jurisdiction of the local government agency.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona 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. That the City Council hereby approve and direct that the City proceed with the implementation of the Pomona CCA program within the City's jurisdiction, as described in the Implementation Plan.

SECTION 3. 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 4. 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 5. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after the date of its final adoption.

PASSED AND ADOPTED THIS 25TH DAY OF FEBRUARY 2019.

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, Interim City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 25th day of February, 2019 and adopted on the 4th day of March, 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Rosalia A. Butler, City Clerk