

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JACINTO, CALIFORNIA, ESTABLISHING A COMMUNITY CHOICE AGGREGATION PROGRAM

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

WHEREAS, Assembly Bill 117 and California Public Utilities Code Sections 218.3, 331.1, 366.2, 381.1, 394 and 394.25, allow the City of San Jacinto to establish a Community Choice Aggregation Program; and

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; and

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

THE CITY COUNCIL OF THE CITY OF SAN JACINTO DOES HEREBY ORDAIN AS FOLLOWS:

- Section 1.** The City of San Jacinto has been actively investigating options to procure and provide electric power to citizens with the intent of achieving greater local involvement over the provision of electric services and promoting competitively priced renewable energy.
- Section 2.** On September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; herein after 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.
- Section 3.** The Act expressly authorizes participation in a Community Choice Aggregation (CCA) program through and by local City government.
- Section 4.** Through Docket No. R.03-10-003, the California Public Utilities Commission has issued various decisions and rulings addressing the implementation of Community Choice Aggregation programs, including the 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 Community Choice Aggregation program and assuring compliance with various elements contained in the Act.

Section 5. Representatives from the City have developed an Implementation Plan (attached hereto as Exhibit A) that describes the formation of the San Jacinto Power ("SJP") Community Choice Aggregation program to be implemented by the City.

Section 6. 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) To provide greater levels of local involvement in and collaboration on energy decisions.
- (b) To increase the amount of locally supplied renewable energy available to San Jacinto citizens.
- (c) To provide initial price stability, long-term electricity cost savings and other benefits for the community.

Section 7. The Act requires Community Choice Aggregation program participants to adopt an ordinance ("CCA Ordinance") electing to implement a Community Choice Aggregation program within the jurisdiction of the local government agency.

Section 8. Based upon all of the above, the Council hereby approves the City proceeding with the implementation of the San Jacinto Power (SJP) Community Choice Aggregation program within the City's jurisdiction, as described in the Implementation Plan in the form attached hereto as Exhibit A.

Section 9. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of San Jacinto hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 10. **Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect

other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 11. **Effective Date.** This Ordinance shall become effective thirty (30) days following its adoption.

Section 12. **Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of San Jacinto, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

ORDINANCE NO. 16-12 was introduced at a special meeting of the City Council on the 17th day of November, 2016.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on the 6th day of December, 2016, by the following vote:

AYES: Kotyuk, Ledezma, Ruiz, Utz, Miller
NAYS: None
ABSENT: None
ABSTAIN: None

City of San Jacinto:



Scott Miller, Mayor

ATTEST:



Angela Walton, City Clerk

APPROVED AS TO FORM:
BEST BEST & KRIEGER, LLP




Jeffrey S. Ballinger, City Attorney

CERTIFICATION

**STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF SAN JACINTO)**

I, Angela Walton, hereby certify that the foregoing is a true copy of Ordinance No. 16-12, introduced at a special meeting held on 17th day of November, 2016 and duly adopted by the City Council of the City of San Jacinto, California at a regular meeting thereof held the 6th day of December 2016.

WITNESS my hand and official seal of the City of San Jacinto this 6th day of December, 2016.



Angela Walton, City Clerk

EXHIBIT "A"

IMPLEMENTATION PLAN & STATEMENT OF INTENT

**SAN JACINTO POWER COMMUNITY CHOICE
AGGREGATION PROGRAM**