

ORDINANCE NO. 2017- 13

(Uncodified)

(Community Choice Aggregation)

The Board of Supervisors of Contra Costa County ordains as follows:

SECTION 1. Summary and Purpose. The purpose of this ordinance is to implement a Community Choice Aggregation program within the unincorporated area of Contra Costa County by authorizing the County to become a member agency of the Marin Energy Authority, a joint powers authority.

SECTION 2. Authority. This ordinance is enacted pursuant to California Public Utilities Code section 366.2, and other applicable laws and ordinances.

SECTION 3. Recitals and Findings.

- (a) Electricity in the unincorporated area of Contra Costa County (“County”) is primarily generated and provided by Pacific Gas and Electric Company (“PG&E”). Although PG&E is continuing to expand its renewable energy portfolio, the County finds it important that residents, businesses, and other persons within the unincorporated County have alternative choices for the procurement of energy.
- (b) The County has been actively investigating options to provide electric services to residents, businesses, and other electricity users within the unincorporated area of the County, with the intent of achieving greater local involvement over the provision of electric services and promoting competitive and renewable energy.
- (c) 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 the governing body of a city, county, or city and county, to elect to combine the electricity load of its residents and businesses in a community-wide electricity aggregation (electricity buyers’) program known as “Community Choice Aggregation.” The Act expressly authorizes a city or county to join with other cities and counties to establish a joint powers authority for the purpose of implementing Community Choice Aggregation within each member agency’s jurisdiction.
- (d) On December 19, 2008, the Marin Energy Authority (also known as “Marin Clean Energy” or “MCE”) was established as a joint powers authority pursuant to the Marin Energy Authority Joint Powers Agreement. On February 2, 2010, the California Public Utilities Commission certified the “Implementation Plan” of MCE, confirming MCE’s compliance with the Act’s requirements.
- (e) The County is committed to developing renewable energy generation and energy efficiency improvements, reducing greenhouse gases, and protecting the environment,

and the County fully supports MCE’s current electricity procurement plan, which targets more than 50% renewable energy content, and desires to become a member of MCE.

- (f) To become a member of MCE, the County must adopt an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction by becoming a member agency of MCE.

SECTION 4. Implementation of Community Choice Aggregation. Subject only to the Marin Energy Authority (“MCE”) Board of Directors’ approval of the County’s participation in MCE, the Contra Costa County Board of Supervisors hereby implements Community Choice Aggregation within the unincorporated area of Contra Costa County by authorizing the County to participate in MCE as an MCE member agency under the Marin Energy Authority Joint Powers Agreement.

SECTION 5. Execution of Joint Powers Agreement. The Chair of the Contra Costa County Board of Supervisors is authorized to execute, on behalf of the County, the Marin Energy Authority Joint Powers Agreement upon the MCE Board of Directors’ approval of the County’s participation in MCE.

SECTION 6. Effective Date. This ordinance shall become effective on the later of (a) the date MCE’s Board of Directors adopts a resolution adding the County as a member of MCE, or (b) thirty (30) days after this ordinance is adopted. If MCE’s Board of Directors does not approve the County’s participation in MCE, this ordinance is of no force or effect. Within fifteen (15) days after this ordinance is adopted, this ordinance shall be published once, with the names of the Supervisors voting for and against it, in the East Bay Times, a newspaper of general circulation published in this County.

Passed on _____, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I hereby certify that this is a true and correct copy of an action taken by the Board of Supervisors on the date shown.

ATTEST: DAVID J. TWA
 Clerk of the Board of Supervisors Board Chair

By: _____ [SEAL]
 Deputy