

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

An Ordinance of the City Council of the City of)
Lafayette approving the Marin Clean Energy) Ordinance 644
Joint Powers Agreement and authorizing the)
Implementation of a Community Choice)
Aggregation Program)

WHEREAS, the City of Lafayette of has been actively investigating options to provide electric services to constituents within its service area since June 2014 with the intent of promoting use of renewable energy, reducing energy related greenhouse gas emissions, and providing Lafayette residents and businesses with alternatives to Pacific Gas & Electric Company; and

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 (CCA); and

WHEREAS, on September 27, 2006, AB32 was signed into law establishing the goal of reducing the state's greenhouse gas emissions to 1990 levels by 2020; and

WHEREAS, on November 13, 2006, the Lafayette City Council adopted the Environmental Strategy which recognizes the importance of environmental sustainability and encourages community awareness, responsibility, participation, and education to promote an environmentally sustainable community; and

WHEREAS, the Act expressly authorizes participation in a CCA program through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE) was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time; and

WHEREAS, on February 2, 2010, the California Public Utilities Commission certified the "Implementation Plan" of MCE, confirming MCE's compliance with the requirements of the Act; and

WHEREAS, the City of Lafayette is committed to the development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, protection of the environment, and fully supports MCE's current electricity procurement plan, which targets more than 50% renewable energy content; and

WHEREAS, approximately 89-percent of housing in the City of Lafayette was built prior to Title 24 standards and is less energy efficient than newer construction; and

WHEREAS, in 2010, 22-percent of overall community wide greenhouse gas emissions in Lafayette was caused by energy use and Lafayette has a considerable opportunity to impact emissions through energy conservation, energy efficiency, and the use of renewable energy sources; and

WHEREAS, electricity in Lafayette is generated and provided by Pacific Gas and Electric Company (PG&E) and there is not presently an alternative provider in the City. PG&E is currently working to add more renewable energy to its power mix under California's renewable portfolio standard and is on track to have 33-percent renewables by the end of 2020; and

WHEREAS, the City finds it important that its customers- residents, businesses, and public facilities- have alternative choices to energy procurement beyond PG&E; and

WHEREAS, the City of Lafayette finds that joining MCE will offer Lafayette customers choice in their power provider and will help Lafayette meet the state goal set out in AB32 and the goals outlined in the City's Environmental Strategy; and

WHEREAS, on August 10, 2015 the Lafayette City Council authorized a Letter of Intent to be sent to Marin Clean Energy requesting that they conduct a membership analysis for Lafayette; and

WHEREAS, in order to become a member of MCE, the MCE Joint Powers Agreement requires the City to individually adopt an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in MCE.

THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Lafayette has been actively investigating options to provide electric services to constituents within its service area with the intent of promoting use of renewable energy, reducing energy related greenhouse gas emissions, and providing Lafayette residents and businesses with alternatives to Pacific Gas & Electric Company.

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; 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 (CCA).

Section 3. The Act expressly authorizes participation in CCA program through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE) was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time.

Section 4. On February 2, 2010 the California Public Utilities Commission certified the "Implementation Plan" of the MCE, confirming the MCE's compliance with the requirements of the Act.

Section 5. In order to become a member of MCE, the Act requires the City of Lafayette to individually adopt an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in the MCE.

Section 6. Based upon all of the above, the City of Lafayette Council elects to implement a Community Choice Aggregation program within the City of Lafayette's jurisdiction by and through the City of Lafayette's participation in Marin Clean Energy. The Mayor is hereby authorized to execute the MCE Joint Powers Agreement.

Section 7. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held 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 hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 8. This ordinance shall take effect on the later of (a) the date the - Board of Directors of MCE adopts a Resolution adding the City/Town as a member of MCE, or (b) 30 days after its adoption and, before the expiration of 30 days after its passage.

Section 9. The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Lafayette held on January 25, 2016, and adopted and ordered published at a meeting of the City Council held on March 14, 2016, by the following vote:

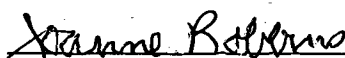
AYES: Mitchell, B. Andersson, Reilly and Tatzin

NOES: None

ABSTAIN: None

ABSENT: M. Anderson

ATTEST:


Joanne Robbins, City Clerk

APPROVED:


Mark Mitchell, Mayor

Contra Costa Times

175 Lennon Lane, Suite 100
Walnut Creek, CA 94598
925-943-8019

2010502

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE
3675 MT. DIABLO BLVD., #210
LAFAYETTE, CA 94549-3793

PROOF OF PUBLICATION FILE NO. Ord 644 MCE 3/14/16

In the matter of

Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

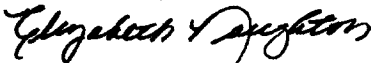
I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

03/09/2016

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 14th day of March, 2016.



Signature

Legal No. 0005687278

NOTICE AND SUMMARY OF ORDINANCE 644 APPROVING THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

Notice is given that on **Monday, March 14, 2016**, the City Council of the City of Lafayette will conduct a public hearing commencing at **7:00 p.m.** in the **Community Hall at the Lafayette Library and Learning Center, 3491 Mt. Diablo Blvd.** Ordinance 644, if adopted will do the following:

1. Authorize the Mayor to execute the Marin Clean Energy Joint Powers Agreement; and
2. Authorize the implementation of a Community Choice Aggregation Program within the City of Lafayette's jurisdiction by and through the City of Lafayette's participation in Marin Clean Energy.

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. Certified copies of the full text of the ordinance are posted in the City Clerk's office at 3675 Mt. Diablo Boulevard, Lafayette, California 94549. A copy may be obtained from the office upon payment of the fee based on the City's actual cost of providing the copy.

Joanne Robbins
City Clerk

CCT #5687278; Mar. 9, 2016

Contra Costa Times

175 Lennon Lane, Suite 100
Walnut Creek, CA 94598
925-943-8019

2010502

LAFAYETTE, CITY OF
ATTN: ACCOUNTS PAYABLE
3675 MT. DIABLO BLVD., #210
LAFAYETTE, CA 94549-3793

PROOF OF PUBLICATION

FILE NO. Joanne Robbins Ord 644

In the matter of

Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

03/18/2016

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.
On this 18th day of March, 2016.

Signature 

Legal No.

0005692520

NOTICE OF ADOPTION OF ORDINANCE 644 APPROVING THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PRO- GRAM

At its regular meeting on Monday, March 14, 2016, the City Council of the City of Lafayette adopted Ordinance 644. The recorded vote of the City Council was as follows:

AYES: Mitchell, B. Andersson, Reilly and Tatzin

NOES: None

ABSTAIN: None

ABSENT: M. Anderson

1. Allow the City of Lafayette to implement a Community Aggregation Program within its jurisdiction through its participation in Marin Clean Energy
2. Authorize the Mayor to execute the Marin Clean Energy Joint Powers Agreement

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. Certified copies of the full text of the ordinance are posted in the City Clerk's office at 3675 Mt. Diablo Boulevard, Lafayette, California 94549. A copy may be obtained from the office upon payment of the fee based on the City's actual cost of providing the copy.

Joanne Robbins
City Clerk

CCT #5692520; Mar. 18, 2016