

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

Resolution No.:

Resolution of the Monterey County Board of Supervisors )  
approving the Joint Powers Agreement establishing the )  
Monterey Bay Community Power (MBCP) Authority, )  
authorizing the Board of Supervisors to execute the agreement )  
on behalf of the County of Monterey, and adopting California )  
Environmental Quality Act (CEQA) exemption findings..... )

**WHEREAS**, AB 117, adopted as California state law in 2002, permits cities, counties, or city and county Joint Power Authorities to aggregate residential, commercial, industrial, municipal and institutional electric loads through Community Choice Aggregation (CCA); and

**WHEREAS**, there are currently five CCA programs operating in California – Marin Clean Energy, CleanPowerSF, Sonoma Clean Power, Peninsula Clean Energy, and Lancaster Choice Energy – with dozens more in formation; and

**WHEREAS**, the County of Monterey passed Resolution No. 13-134 in April 2013 to explore the creation of a CCA program for the Monterey Bay region and participated, in cooperation with the County of Santa Cruz and other local governments, in a technical study that analyzed the potential for a CCA program in the Monterey Bay region; and

**WHEREAS**, the technical study shows that there are numerous potential benefits for cities and counties that aggregate their electrical load including: 1) an expectation of stable and competitively priced electric generation rates for residents, businesses and municipal operations compared to the electrical rates of Pacific Gas & Electric Company (PG&E), 2) greater use of renewable energy resources than is planned by PG&E, 3) significant greenhouse gas reductions as a result of a cleaner power supply than is offered by PG&E; and 4) economic development benefits and local jobs resulting from the creation of the Monterey Bay community Power Authority, lower electric rates, and the development of local power resources.

**WHEREAS**, the County wishes to be a community choice aggregator and has introduced the ordinance as required by Public Utilities Code Section 366.2 in order to do so;

**WHEREAS**, the Board of Supervisors has considered the proposed Joint Exercise of Powers Agreement, a draft of which is attached hereto as Exhibit A, under which the County of Monterey and other municipalities in the Monterey Bay tri-county region - consisting of Santa Cruz, Monterey and San Benito Counties and the cities within those counties who choose to participate - will become the initial members of Monterey Bay Community Power Authority; and

**WHEREAS**, once the California Public Utilities Commission approves the implementation plan created by MBCP, it will provide service to customers within the cities and counties that choose to join MBCP and to participate in the CCA program; and

**WHEREAS**, under Public Utilities Code section 366.2, customers have the right to opt-out of the CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so at any time.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Monterey does hereby:

1. Approve the Joint Exercise of Powers Agreement to form the Monterey Bay Community Power Authority; and
2. Find that this resolution and the establishment of the Monterey Bay Community Power Authority is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, as it is not a “project” since this action involves organizational and administrative activities of government that will not result in direct or indirect physical changes in the environment. (14 Cal. Code Regs. § 15378(b)(5)). Further, the ordinance is exempt from CEQA, as there is no possibility that the ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). A Notice of Exemption shall be filed as authorized by CEQA and the State CEQA guidelines.
3. This resolution shall be effective upon the adoption of Ordinance No. \_\_\_\_\_, an ordinance of the County of Monterey authorizing the implementation of a Community Choice Aggregation (CCA) Program.

**BE IT FURTHER RESOLVED** that the Chair of the Board of Supervisors is hereby authorized and directed to execute the Joint Exercise of Powers Agreement on behalf of the County of Monterey, which will establish MBCP with the County as a founding member.

**PASSED AND ADOPTED** on this day \_\_\_\_\_ of \_\_\_\_\_, upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:

I, GAIL T. BORKOWSKI, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book \_\_\_ for the meeting on \_\_\_\_\_.

Dated:

File Number:

Gail T. Borkowski, Clerk of the Board of Supervisors

County of Monterey, State of California

By: \_\_\_\_\_  
, Deputy