

ORDINANCE NO. ___

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM**

County Counsel Summary

This ordinance authorizes the County of Monterey to implement a community choice aggregation program within the unincorporated area of the County by joining with other participating counties and cities in the tri-county region of Monterey, Santa Cruz and San Benito Counties to form the Monterey Bay Community Power Authority, a joint powers agency. Pursuant to Public Utilities Code section 366.2, participation in the Monterey Bay Community Power Authority requires adoption of the ordinance as well as adoption of the joint powers agreement. The purpose of the Authority is to aggregate the electrical load of customers within the participating jurisdictions to procure cost competitive electric energy on behalf of customers and to reduce regional greenhouse gas emissions through an enhanced renewable energy portfolio.

The Board of Supervisors of the County of Monterey, State of California, ordains as follows:

SECTION 1. FINDINGS. The Board of Supervisors finds as follows:

WHEREAS, Monterey Bay Community Power has investigated options to provide electric services to customers within the tri-county region of Monterey, Santa Cruz and San Benito Counties (Tri-County Region), with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of clean, local, renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs; and

WHEREAS, Monterey Bay Community Power has prepared a Feasibility Study for a community choice aggregation (“CCA”) program in Monterey County under the provisions of the Public Utilities Code section 366.2. The Feasibility Study shows that implementing a community choice aggregation program would provide multiple benefits, including:

- Providing customers a choice of power providers;
- Increasing local control and involvement in and collaboration on energy rates and other energy-related matters;
- Providing more stable long-term electric rates that are competitive with those provided by the incumbent utility;
- Reducing greenhouse gas emissions arising from electricity use within Monterey County;

- Increasing local renewable generation capacity;
- Increasing energy conservation and efficiency projects and programs;
- Increasing regional energy self-sufficiency; and
- Improving the local economy resulting from the implementation of local renewable and energy conservation and efficiency projects; and

WHEREAS, the County of Monterey intends, concurrently with adoption of this ordinance, to approve a Joint Powers Agreement creating the Monterey Bay Community Power Authority (“Authority.”) Under the Joint Powers Agreement, counties and cities within the Tri-County Region may participate in the Monterey Bay Community Power CCA program by adopting the resolution and ordinance required by Public Utilities Code section 366.2. Counties and cities choosing to participate in the CCA program will have membership on the Policy Board of Directors and Operations Board of Directors of the Authority as provided in the Joint Powers Agreement; and

WHEREAS, the Authority will enter into Agreements with electric power suppliers and other service providers, and based upon those Agreements the Authority will be able to provide power to residents and businesses at rates that are competitive with those of the incumbent utility (“PG&E”). Once the California Public Utilities Commission approves the implementation plan created by the Authority, the Authority will provide service to customers within the unincorporated areas of the counties within the tri-county region and within the jurisdiction of those cities within the tri-county region who have chosen to participate in the CCA program; and

WHEREAS, under Public Utilities Code section 366.2, customers have the right to opt-out of a 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; and

WHEREAS, the Board of Supervisors of the County of Monterey considered the Monterey Bay Community Power CCA program at the Board’s meetings on January 31, February 14, March 7, and March 21, 2017, at which time interested persons had an opportunity to testify either in support or opposition to implementation of the Monterey Bay Community Power CCA program in the unincorporated area of Monterey County; and

WHEREAS, this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a “project” because it involves organizational and administrative activities of government that will not result in a 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 effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assure the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308). County staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

NOW, THEREFORE, LET IT BE RESOLVED the Board of Supervisors of the County of Monterey does ordain as follows:

SECTION 1. The above recitations are true and correct and material to this Ordinance.

SECTION 2. Authorization to Implement a Community Choice Aggregation Program.

Based upon the forgoing, and in order to provide businesses and residents within the unincorporated area of Monterey County with a choice of power providers and with the benefits described above, the Board of Supervisors of the County of Monterey ordains that it shall implement a community choice aggregation program within the jurisdiction of the unincorporated area of Monterey County by participating as a group with other counties and cities as described above in the Community Choice Aggregation program of the Monterey Bay Community Power Authority, as generally described in the Joint Powers Agreement.

SECTION 3. This Ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

PASSED AND ADOPTED this _____ day of _____, 2017, by the following vote:


AYES:
NOES:
ABSENT:
ABSTAIN:

Mary Adams, Chair,
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM

WENDY S. STRIMLING
Senior Deputy County Counsel