ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA APPROVING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM AND AUTHORIZING THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT

WHEREAS, the City of Calistoga has been actively investigating options to provide electric services to constituents within its service area with the intent of promoting use of renewable energy and reducing energy related greenhouse gas emissions; and

WHEREAS, Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act") authorizes any California city 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, the Act expressly authorizes participation in a Community Choice Aggregation (CCA) program through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE) was established as a joint power 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 MCE's "Implementation Plan," confirming MCE's compliance with the requirements of the Act; and

WHEREAS, participating in MCE will gives city customers the choice of having 50% to 100% of their electricity supplied from renewable sources—such as wind, bioenergy, and hydroelectric—as compared to Calistoga's existing provider PG&E, whose energy mix in 2013 was about 22% from renewable sources, at rates that are competitive with PG&E.

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

NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE

<u>Findings</u>. The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this ordinance.

SECTION TWO

Based upon all of the above, the City Council elects to implement a Community Choice Aggregation program within the City of Calistoga's jurisdiction by and through the City's participation in Marin Clean Energy.

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SECTION THREE

The City Council hereby authorizes the Mayor to execute the MCE Joint Powers Agreement attached hereto as Exhibit A.

SECTION FOUR

<u>Severability</u>. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION FIVE

Effective Date. This ordinance shall take effect on the later of (a) the date the MCE Board of Directors adopts a resolution adding the City of Calistoga as a member of MCE, or (b) 30 days after its passage. Before the expiration of fifteen (15) days after its passage, the ordinance shall be published in accordance with law in a newspaper of general circulation published and circulated in the city of Calistoga.

)	THIS ORDINANCE was introd	duced with the first reading waive	ed at the City of
)	Calistoga City Council meeting of the	20th day of October, 2015, and	was passed and
	adopted at a regular meeting of the	Calistoga City Council on	, 2015 , by
	the following vote:	·	
	AYES:		
	NOES:		
	ABSENT:		
	ABSTAIN:		
		Chris Canning, Mayor	
	ATTEST:		
	Kathy Flamson, City Clerk		

Memorandum of Understanding between Marin Clean Energy (MCE) and the City of Calistoga Exploring Inclusion in MCE

This Memorandum of Understanding (MOU) regarding Marin Clean Energy membership consideration is entered into by and between **Marin Clean Energy** (MCE) and the **City of Calistoga** (City).

WHEREAS, the City has expressed interest in exploring membership in MCE, and

WHEREAS, MCE has a Policy to consider new community inclusion, subject to receipt of a complete application and subject to MCE analysis and approval, and

WHEREAS, MCE and the City are collaborating to determine the feasibility of including the City within MCE's Service Area and approving the City's application for membership; and

WHEREAS, MCE and the City have a mutual interest in following the guidelines below.

NOW THEREFORE, the parties hereto agree as follows:

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- 1. The City will complete and submit a 'MCE Membership Application' to MCE.
- 2. The City will assign one staff member as primary point of contact with MCE. The assigned staff member will support and facilitate communication with other City staff and officials, as well as provide input and high-level assistance on community outreach.
- 3. After receipt of a complete Membership Application, MCE will conduct a quantitative analysis to determine the feasibly of adding the City to the MCE Service Area, and the MCE Board will approve the City's membership application if analysis results are positive.
- 4. Following membership approval, the City agrees to publicize and share information about MCE within its community during the six-month enrollment period. Publicity options include, but are not limited to, website, social media, public events, community workshops, and newsletter announcements (where feasible), as well as distribution of flyers and handouts provided by MCE at the City offices.
- 5. Following membership approval, the City agrees to provide desk space for up to two MCE staff members during the six-month enrollment period, and agrees to consider ongoing desk space availability if needed for effective and efficient outreach.

IN WITNESS WHEREOF, the parties hereto have executed this MOU.

33	MCE:	
34 35	By:	Date
36	City of Calistoga:	
37 38	By: Chris Canning, Mayor	 Date



DECLARATION BY CITY MANAGER REGARDING INVESTIGATION, PURSUIT OR IMPLEMENTATION OF COMMUNITY CHOICE AGGREGATION

- I, Richard Spitler, state as follows:
 - 1. I am the City Manager of the City of Calistoga.
 - 2. I am authorized to make this declaration on behalf of a city which is investigating, pursuing or implementing community choice aggregation as a community choice aggregator as defined by Section 331.1 of the California Public Utilities Code ("CCA" or "Potential CCA").
 - 3. I understand that all of the confidential information provided by PG&E to the city indicated above is subject to the terms and conditions of the Nondisclosure Agreement between these two entities and is provided for the sole purpose of enabling the city to investigate, pursue or implement community choice aggregation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this day of	, 201_, at Calistoga, CA
[Signature]	_