

## **ORDINANCE NO. 4363**

### **AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MENDOCINO COUNTY AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM BY PARTICIPATING WITH THE SONOMA CLEAN POWER AUTHORITY**

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

**SECTION 1.** Mendocino County has been actively investigating options to provide electric services to constituents within its service area with the intent of achieving greater local involvement over the provision of electric services and promoting competitive and renewable energy.

**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 a CCA program through a joint powers agency, and on and on December 4, 2012, the Sonoma Clean Power Authority ("SCPA") was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time ("SCPA Joint Powers Agreement").

**SECTION 4.** On October 4, 2013, the California Public Utilities Commission certified the "Implementation Plan" for SCPA's CCA program, and on February 20, 2015 approved a First Revised and Updated Implementation Plan, confirming SCPA's compliance with the requirements of the Act.

**SECTION 5.** On July 16, 2015, the Board of Supervisors of Mendocino County adopted Ordinance No. 4337, determining that implementation of a CCA program is in the public interest and welfare of its residents, and elected to authorize and implement a CCA program within the County of Mendocino.

**SECTION 6.** Since the adoption of Ordinance No. 4337, the County has heard presentations by the SCPA regarding its CCA program. In order to participate in SCPA's CCA program, the Act requires Mendocino County to individually adopt an ordinance electing to implement its CCA program within the County's jurisdiction.

**SECTION 7.** Based upon all of the above, the Board elects to implement a Community Choice Aggregation program within the unincorporated areas of Mendocino County, through the County's participation as a "Participant" in the SCPA CCA program as defined in the SCPA Joint Powers Agreement. The Chairman of the Board of Supervisors is hereby authorized to execute any documents necessary for the County's participation in the program.

**SECTION 8.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision

shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of the County of Mendocino hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

**SECTION 9.** This Ordinance shall be effective thirty (30) days from and after the date of its passage.

**SECTION 10.** A summary of this Ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Ukiah Daily Journal, a newspaper of general circulation published in the County of Mendocino, together with the names of members voting for and against the same.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this 13th day of September, 2016, by the following vote:

AYES: Supervisors Brown, McCowen, Gjerde, and Hamburg  
NOES: None  
ABSENT: Supervisor Woodhouse

**WHEREUPON**, the Chair declared the Ordinance passed and adopted  
and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
DAN GJERDE, Chair  
Mendocino County Board of Supervisors

\_\_\_\_\_  
Deputy

I hereby certify that according to the  
provisions of Government Code section  
25103, delivery of this document has  
been made.

*APPROVED AS TO FORM:*  
Katharine L. Elliott, County Counsel

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy