



Mendocino County Board of Supervisors Agenda Summary

8/2/16 Approved
Reso # 16-089

Item #: 5c)

To: Board of Supervisors

From: Executive Office

Meeting Date: August 2, 2016

Department Contact: Christopher Shaver

Phone: 463-4441

Item Type: Regular Agenda

Time Allocated for Item: 15 mins

Agenda Title:

Discussion and Possible Adoption of Resolution Requesting That the Sonoma Clean Power (SCP) Authority Act as Community Choice Aggregator on Behalf of the County and Implement the Sonoma Clean Power Community Choice Aggregation (CCA) Program Within the Unincorporated Areas of Mendocino County; and, Introduce and Waive Reading of an Ordinance Authorizing the Implementation of a Community Choice Aggregation Program

Recommended Action/Motion:

Adopt resolution requesting that SCP act as the CCA on behalf of the County and implement the SCP CCA program within the unincorporated areas of Mendocino County, and authorize Chair to sign same; and, introduce and waive reading of an ordinance authorizing the implementation of a CCA program.

Previous Board/Board Committee Actions:

On February 17, 2015, the Board authorized the Chief Executive Officer Carmel J. Angelo to sign an agreement with California Clean Power (CCP) to perform a feasibility study to assess the County's participation in a Community Choice Aggregation (CCA) implementation process. On June 9, 2015, the Board received a presentation from LEAN Energy about the benefits and types of CCA programs; and, authorized the introduction and waiving of the reading of an ordinance authorizing the implementation of a CCA program. On June 16, 2015, the Board adopted the CCA ordinance and received presentations from Sonoma Clean Power (SCP) and California Clean Power (CCP). On July 7, 2015, the Board received a presentation from Marin Clean Energy (MCE). On August 18, 2015, the Mendocino County Board of Supervisors authorized staff to submit a letter expressing interest of the County's desire to explore the potential of becoming a member of either MCE or SCP. On December 8, 2015, the Board received an updated presentation from CCP regarding their revised business model. On January 12, 2016, the Board authorized Supervisor Hamburg and staff to represent the County and express interest in possible membership in SCP's JPA at SCP's Board meeting on February 4, 2016. On April 19, 2016, SCP conducted a question and answer session about possible SCP membership; and, on that same date, the Board directed staff to hold an informational workshop on a future Board date on CCA. On June 21, 2016, the Board held a CCA workshop from SCP and LEAN Energy and directed staff to receive answers to questions posed by the Board to SCP's CEO. On July 12 via public comment and July 19, 2016, via the CEO report, the Board received an update to SCP's answers and next possible steps the County will need to take in order to formally declare interest in joining SCP's JPA.

Summary of Request:

On July 7, 2016, Sonoma Clean Power's (SCP) Board voted to offer participation in SCP's Community Choice

Item #: 5c)

Aggregation program to the County of Mendocino and the incorporated cities of Fort Bragg, Point Arena and Willits via Resolution No. 16-003. The SCP Board still needs to take further action before a final decision relating to (a) an update to the Joint Powers Agreement that will allow the SCP Board to offer the specific number of seats for representation, and (b) a vote by the SCP Board to accept Mendocino County and any incorporated cities once those jurisdictions have passed ordinances.

The next step is for the County of Mendocino to pass a resolution and ordinance no later than October 5, 2016, which will allow SCP's Board to vote to accept Mendocino's membership and for SCP staff to launch service by June 2017. Ordinance passage after October 5, 2016, or SCP Board acceptance after October 6, 2016, would push the service launch date to May 2018.

The adoption of the ordinance and resolution allows the County to be part of SCP's CCA program, which state law requires Mendocino County to individually adopt a resolution requesting that SCP act as the community choice aggregator on behalf of Mendocino County.

Alternative Action/Motion:

Do not adopt resolution and do not introduce and waive reading of ordinance and direct staff to provide other options.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Current F/Y Cost: N/A

Budgeted in Current F/Y: N/A

Annual Recurring Cost:

Supervisory District: All

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Alan D. Flora, Assistant CEO

CEO Review: Yes

Comments:

RESOLUTION NO. 16-089

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MENDOCINO
COUNTY REQUESTING THAT THE SONOMA CLEAN POWER AUTHORITY
ACT AS COMMUNITY CHOICE AGGREGATOR ON BEHALF OF THE
COUNTY AND IMPLEMENT THE SONOMA CLEAN POWER COMMUNITY
CHOICE AGGREGATION PROGRAM WITHIN THE UNINCORPORATED
AREAS OF MENDOCINO COUNTY**

WHEREAS, 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; 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, the Act expressly authorizes participation in a CCA program through a joint powers agency, 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"); and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the Board of Supervisors supports the goals stated in the SCPA Joint Powers Agreement, which are to address climate change by reducing greenhouse gas emissions, to provide electric power at a competitive cost, to carry out programs to reduce energy use, to provide for long-term electric rate stability and energy security and reliability for residents through local control of electric generation resources, and to stimulate and sustain the local economy; and

WHEREAS, the Board of Supervisors supports SCPA's current electricity procurement plan, which increases the amount of renewable energy available to customers and reduces greenhouse gas emissions; and

WHEREAS, SCPA representatives have stated a willingness to consider including one Mendocino County representative on the SCPA Board and a second Mendocino County representative (collectively representing the cities) if all eligible Mendocino County cities apply and are accepted for participation in the SCPA; and

WHEREAS, SCPA representatives have stated a willingness to consider proportional and equitable use of program funds and mutually beneficial local partnerships; and

WHEREAS, in order to participate in SCPA's CCA program, the Act requires Mendocino County to individually adopt a resolution requesting that SCPA act as the community choice aggregator on behalf of Mendocino County; and

WHEREAS, the Board of Supervisors wishes to make such a request, so that SCPA can provide CCA service to the unincorporated areas in Mendocino County.

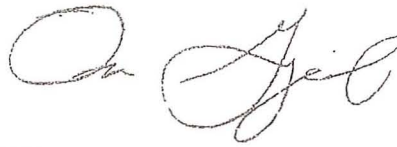
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mendocino as follows:

1. The foregoing recitals are true and correct.
2. Based upon all of the above, the Board of Supervisors requests that the Sonoma Clean Power Authority act as Community Choice Aggregator on its behalf within the jurisdiction of the County, and authorizes the Authority to implement and carry out within the County the community choice aggregation program as generally described in the First Revised and Updated Implementation Plan.
3. The Board of Supervisors hereby designates and appoints _____ to serve as the representative of the County on the Board of Directors of the Sonoma Clean Power Authority, and hereby designates and appoints _____ as an alternate.
4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Sonoma Clean Power Authority.
5. The Chair of the Board is authorized to sign other documents as needed to implement this process.

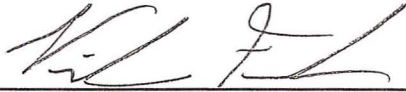
The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor Brown, and carried this 12th day of July, 2016, by the following vote:

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

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.




ATTEST: CARMEL J. ANGELO
Clerk of the Board



Deputy

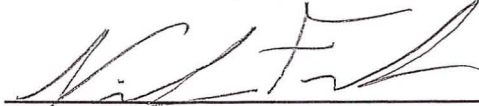
APPROVED AS TO FORM:
KATHARINE L. ELLIOTT
County Counsel



DAN GJERDE, Chair
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO
Clerk of the Board



Deputy