

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND APPROVING THE DESERT CITIES ENERGY CHOICE JOINT POWERS AGREEMENT

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City of Cathedral City has been actively investigating options to provide electric services to constituents within its jurisdiction 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 to this end the City has been participating since 2016 in the evaluation of a proposal for the formation of a joint powers agency to implement and administer a CCA program for the Coachella Valley region.

SECTION 4. As described in the Joint Powers Agreement attached as Exhibit A, a CCA program implemented and administered by and through Desert Cities Energy Choice (“DCEC”) provides an opportunity to accomplish the following:

- a) Reduce greenhouse gas emissions related to the use of power throughout the jurisdictions of the participating cities and neighboring regions;
- b) Provide electric power and other forms of energy to customers at a competitive cost;
- c) Carry out programs to reduce energy consumption;
- d) Stimulate and sustain the local economy by developing local jobs in renewable and conventional energy;
- e) Promote long-term electric rate stability, energy security and reliability for residents through local control of electric generation resources.

SECTION 5. Through Docket No. R.03-10-003, the California Public Utilities Commission has issued various decisions and rulings addressing the implementation of Community Choice Aggregation programs, including the recent issuance of a procedure by which the California Public Utilities Commission will review “Implementation Plans,” which are required for submittal under the Act as the means of describing the

Community Choice Aggregation program and assuring compliance with various elements contained in the Act.

SECTION 6. A final Implementation Plan for the CCA program will be submitted to the California Public Utilities Commission by DCEC as soon after the formation of the joint powers agency as reasonably practicable, confirming that DCEC's CCA program is in compliance with all requirements of the Act.

SECTION 7. The Act requires each jurisdiction participating in the CCA program to individually adopt an ordinance ("CCA ordinance") electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in Desert Cities Energy Choice.

SECTION 8. Based upon all of the above, the City Council approves the Joint Powers Agreement attached hereto as Exhibit A and elects to implement a Community Choice Aggregation program within the City's jurisdiction by and through the City's participation in Desert Cities Energy Choice, subject to the City's right to forego the actual implementation of a Community Choice Aggregation program pursuant to specified withdrawal rights described in the Joint Powers Agreement. The Mayor is hereby authorized to execute the Joint Powers Agreement and any other related documents for program implementation.

SECTION 9. 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 City Council 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 10. This Ordinance shall take effect and be in force thirty (30) days from the date of its adoption.

SECTION 11. The City Clerk shall, within fifteen (15) days after passage of this Ordinance, cause it to be posted in at least three (3) designated public places; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of this City.

SECTION 12. The foregoing Ordinance was approved and adopted at a meeting of the City Council held on the ____ day of _____, 2017, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Stan Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM:

Eric S. Vail, City Attorney