

ORDINANCE NO. 718

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 give 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

Findings. 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.

SECTION THREE

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

SECTION FOUR

Severability. 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 introduced with the first reading waived 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 **November 3, 2015**, by the following vote:

AYES: Councilmember Kraus, Councilmember Lopez-Ortega,
Councilmember Barnes and Mayor Canning
NOES: None
ABSENT: Vice Mayor Dunsford
ABSTAIN: None



Chris Canning, Mayor

ATTEST:



Melissa Velasquez, Deputy City Clerk