

COUNTY OF SONOMA ORDINANCE NO. _____

SONOMA COUNTY WATER AGENCY ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AND AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY, AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM.

The Board of Supervisors of the County of Sonoma, State of California, and the Board of Directors of the Sonoma County Water Agency, hereby ordain as follows:

SECTION I. The County of Sonoma (“County”) and the Sonoma County Water Agency (“Water Agency”) have been investigating options to provide electric services to constituents within its service areas with the intent of achieving greater local involvement over the provisions of electric services, competitive electric rates, the development of clean, local renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs.

SECTION II. Assembly Bill 117, codified as Public Utilities Code §366.2, authorizes participation in a Community Choice Aggregation (CCA) program through a joint powers agency, and to this end the County and the Water Agency have been participating since 2010 in the evaluation of a CCA program for the County and Water Agency and the cities and towns within their service areas. Both the County and the Water Agency have the authority to implement and operate a CCA program under California law.

SECTION III. To assist in the evaluation of a CCA program within Sonoma County, the County and Water Agency created a Steering Committee composed of elected representatives of the County, Water Agency, and cities within Sonoma County; County and Water Agency staff; city and town managers from cities within Sonoma County; representatives of interested non-profit organizations; labor representatives; representatives of Sonoma County businesses; and representatives from the Sonoma County Taxpayers Association. The Steering Committee had input into, oversaw, and received reports on the analysis conducted by consultants hired by the Water Agency to evaluate the feasibility of implementing a CCA program. Water Agency staff also made multiple presentations about the potential CCA program to city and town councils and interested community organizations.

SECTION IV. The Water Agency prepared a Feasibility Study and a draft Implementation Plan for the CCA program. The Feasibility Study and draft Implementation Plan show that implementing a CCA program in Sonoma County would provide multiple benefits, including

- Increased local control and involvement in and collaboration on energy rates and other energy-related matters;
- More stable long-term electric rates that are competitive with those provided by the incumbent utility;
- Reductions in greenhouse gas emissions arising from electricity use within Sonoma County;
- Increased local renewable generation capacity;
- Increased energy conservation and efficiency projects and programs;
- Increased regional energy self-sufficiency; and
- Improvements to the local economy resulting from the implementation of local renewable energy and energy conservation and efficiency projects.

SECTION V. Public Utilities Code §366.2 allows a CCA program to be carried out under a joint powers agreement entered into by entities that each have the capacity to implement a CCA program individually. The joint power agreement structure reduces the risks of implementing a CCA program by immunizing the financial assets of participants.

SECTION VI. In order to obtain more specific information about the costs of the CCA program, the County and Water Agency approved executing a Joint Powers Agreement on December 4, 2012, creating the “Sonoma Clean Power Authority.” The Joint Powers Agreement contemplates that cities and towns within Sonoma County may participate in the CCA program by adopting the ordinance required by Public Utilities Code §366.2. Cities and towns choosing to participate in the CCA program will have membership on the Board of Directors of the Sonoma Clean Power Authority as provided in the joint powers agreement.

SECTION VII. Based upon all of the above, the Board of Supervisors and the Board of Directors elect to implement a Community Choice Aggregation program within the County’s and Water Agency’s jurisdictions by and through the County’s and Water Agency’s participation in the Sonoma Clean Power Authority, as generally described in the draft Implementation Plan, subject to the County’s and the Water Agency’s right to forego the actual implementation of a Community Choice Aggregation program in the event that the Board of Directors of the Sonoma Clean Power Authority determines not to finalize and approve an Implementation Plan for submission to the California Public Utilities Commission.

SECTION VIII. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors and the Board of Directors hereby declare that they would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

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SECTION IV. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors and Directors voting for or against the same, in the Sonoma County Press Democrat, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma and the Board of Directors of the Sonoma County Water Agency introduced on the 4th day of December, 2012, and finally passed and adopted this 11th day of December, 2012, on regular roll call of the members of said Boards by the following vote:

Supervisors/Directors:

Brown: Rabbitt: McGuire: Carrillo: Zane:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors, County of Sonoma
Chair, Board of Directors, Sonoma County Water Agency

ATTEST:

Clerk of the Board of Supervisors