

ORDINANCE NO. 17-1633

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING THE JOINT POWERS AGREEMENT FOR LOS ANGELES COMMUNITY CHOICE ENERGY AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

WHEREAS, the City of Carson (“City”) has been actively investigating options to provide electricity services to constituents within its service area in a way that would achieve greater local control over the provision of electricity services, reduce energy rates, and increase the use of renewable energy sources; and

WHEREAS, pursuant to Assembly Bill 117, signed into law in 2002 and codified *inter alia* at Public Utilities Code Sections 331.1 and 366.2 (the “Act”), California cities and counties may elect to become “community choice aggregators” and thereby combine the energy loads of their residents, businesses, and municipal facilities into a communitywide electricity buyers’ program known as Community Choice Aggregation (“CCA”) program in order to obtain the benefits of pooled purchasing power; and

WHEREAS, the Act also provides that multiple community choice aggregators may participate as a group in a CCA program through a joint powers agency; and

WHEREAS, the County of Los Angeles, in dialogue with representatives from the City and other cities in Los Angeles County, has developed the Los Angeles Community Choice Energy Joint Powers Agreement (“Agreement”), attached hereto as Exhibit A, which forms a Joint Powers Authority made up of community choice aggregators and known as Los Angeles Community Choice Energy (“LACCE”); and

WHEREAS, LACCE would be responsible for purchasing energy for its members’ constituents, including City residents, businesses, and municipal facilities, which would then be delivered by the current utilities provider (Southern California Edison) or its successor; and

WHEREAS, participating in a CCA program as part of the LACCE Joint Powers Authority would provide greater levels of local involvement in energy purchasing decisions, provide cost saving through pooled purchasing power, and increase the amount of renewable energy available to the City residents, businesses, and municipal facilities; and

WHEREAS, the Act provides that customers have the right to opt out of a CCA program and continue to receive services from the current utility provider; and

WHEREAS, Public Utilities Code Section 366.2(c)(12)(A) requires cities electing to implement a CCA program within their jurisdiction to do so by the approval of an ordinance; and

WHEREAS, the City may join the LACCE Joint Powers Authority by signing the Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The foregoing Recitals are true and correct and adopted into the terms of this Ordinance by this reference.

Section 2. On the basis of the forgoing, and in order to provide City residents, businesses, and municipal facilities with a choice of power providers and with the benefits described above, the City hereby elects to implement a Community Choice Aggregation program within the jurisdiction of the City of Carson.

Section 3. Mayor Albert Robles is hereby authorized to and shall sign the Los Angeles Community Choice Energy Joint Powers Agreement, attached hereto as Exhibit A, on behalf of the City in order to make the City a member of the Los Angeles Community Choice Energy Joint Powers Authority.

Section 4. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that it will not have a significant effect on or cause a physical change to the environment.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after its second reading and adoption.

Section 7. The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2017.

Albert Robles
Mayor

ATTEST:

Donesia L. Gause, MMC
City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani
City Attorney