

CITY OF OJAI
ORDINANCE NO. 882

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF OJAI, CALIFORNIA APPROVING A JOINT POWERS
AGREEMENT WITH THE COUNTY OF LOS ANGELES,
ESTABLISHING THE LOS ANGELES COMMUNITY
CHOICE ENERGY AUTHORITY AND AUTHORIZING
THE IMPLEMENTATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM**

WHEREAS, The City of Ojai intends to facilitate the provision of improved electric services to constituents within the City, 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; and

WHEREAS, 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 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; and

WHEREAS, the County of Los Angeles and its community partners have developed the Los Angeles Community Choice Energy Authority Joint Powers Agreement ("Joint Powers Agreement") in order to accomplish the following:

- (a) To form a Joint Powers Authority (JPA) known "Los Angeles Community Choice Energy" and
- (b) To specify the terms and conditions by which participants may participate as a group in energy programs, including but not limited to the preliminary implementation of a Community Choice Aggregation program; and

City of Ojai
Ordinance No. 882

WHEREAS, the County of Los Angeles and its community partner have developed a Business Plan that describes the formation of Los Angeles Community Choice Energy and the Community Choice Aggregation program to be implemented by and through the LACCE Authority; and

WHEREAS, a final Implementation Plan will be submitted for review and adoption by the Board of Directors of the LACCE Authority as soon after the formation of the Authority as reasonably practicable; and

WHEREAS, as described in the Business Plan, Community Choice Aggregation by and through the LACCE Authority appears to provide a reasonable opportunity to accomplish all of the following:

- (a) To provide greater levels of local involvement in and collaboration on energy decisions.
- (b) To increase significantly the amount of renewable energy available to LACCE energy customers,
- (c) To provide initial price stability, long-term electricity cost savings and other benefits for the community, and
- (d) To reduce greenhouse gases that are emitted by creating electricity for the community; and

WHEREAS, the Act requires Community Choice Aggregation program participants to individually adopt an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in the LACCE Authority; and

WHEREAS, the Joint Powers Agreement allows the City to withdraw its membership in the LACCE Authority (and its participation in the Community Choice Aggregation program) under its Section 8 prior to the actual implementation of a Community Choice Aggregation program through Program Agreement; and

WHEREAS, the Joint Powers Agreement provides in its Sections 2.2 and 3.5 that: “The debts, liabilities or obligations of the Authority shall not be debts, liabilities or obligations of the Parties unless the governing body of a Party agrees in writing to assume any of the debts, liabilities or obligations of the Authority.”; and

WHEREAS, the City of Ojai expressly declines to assume any of the debts, liabilities, or obligations of the LACCE Authority; and

WHEREAS, the City Council of the City of Ojai intends, by the adoption of this ordinance, to join the LACCE Authority and enter into the Joint Power Agreement.

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

SECTION 1. Findings. The City Council hereby determines that the foregoing findings are true and correct, and incorporates them herein by reference.

SECTION 2. LACCE Joint Powers Agreement Approved. Based upon the findings and declarations set forth in this ordinance, and in order to provide businesses and residents within the jurisdictional boundaries of the City with a choice of power providers and with the benefits described in the recitals above, the City Council hereby elects to implement a CCA program within the City's jurisdiction boundaries. Upon approval of the LACCE Joint Powers Agreement, the City will implement the CCA program by and through the City's participation in the LACCE Authority, a joint powers authority established pursuant to California Government Code section 6500 et seq. and California Public Utilities Code section 366, subdivision (c)(12).

SECTION 3. Implementation Direction. The City Council hereby approves and directs that the City Manager take all lawful and necessary actions to proceed with the City's participation in the LACCE Joint Powers Authority, including executing the LACCE Joint Powers Agreement.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that this amendment to the Municipal Code is exempt from California Environmental Quality Act (CEQA). The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the public hearing on the matter held by the City Council, and hereby determines that the adoption of this ordinance entering into a joint powers agreement to facilitate community aggregation of electricity service provision will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061 (b)(3) of the California Code of Regulations.

SECTION 6. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this


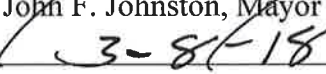
City of Ojai
Ordinance No. 882

Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 7. Urgency Ordinance Repealed. The urgency ordinance, Ordinance No. 2017-81, adopted on December 12, 2017 is repealed as of the effective date of this ordinance

SECTION 8. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.


CITY OF OJAI, CALIFORNIA

By 
John F. Johnston, Mayor

Date Signed

ATTEST:


Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:


Matthew T. Summers, City Attorney

City of Ojai
Ordinance No. 882

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on December 12, 2017 and adopted at a regular meeting held on January 9, 2018 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:



Gail Davis

Deputy City Clerk for the City of Ojai