

ORDINANCE NO. 2018 - ____

AN ORDINANCE OF THE SOLANO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN UNINCORPORATED SOLANO COUNTY AND APPROVING THE MCE CLEAN ENERGY JOINT POWERS AGREEMENT

Whereas, on September 24, 2002, the Governor of California signed into law Assembly Bill 117 (Statute 2002, Chapter 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 electricity load of its residents and businesses in a Community Choice Aggregation program (“CCA”); and

Whereas, on September 27, 2006, Assembly Bill (AB) 32, the Global Warming Solutions Act, was signed into law establishing the goal of reducing California’s greenhouse gas “(GHG)” emissions to 1990 levels by 2020; and

Whereas, the Act expressly authorizes participation in a CCA through a joint powers agency, and on December 19, 2008, MCE Clean Energy (“MCE”) was established as a joint powers 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 the “Implementation Plan” of MCE, confirming MCE’s compliance with the requirements of the Act; and

Whereas, on June 7, 2011, the Solano County Board of Supervisors adopted the Solano County Climate Action Plan (“CAP”) in response to AB 32, which calculated that 22% of unincorporated Solano County’s GHG emissions originate from electricity use; and

Whereas, the CAP calculated the GHG reduction potential from CCA participation by the residential, commercial, and industrial sectors in the unincorporated to be 23,170 metric tons of carbon dioxide equivalent per year based on a 25% opt-out rate; and

Whereas, electricity is generated and provided by Pacific Gas and Electric (“PG&E”) with no alternative provider for unincorporated Solano County. PG&E is currently meeting the 33% renewable portfolio standard to its power mix as required by Executive Order-S-14-08; and

Whereas, Solano County is committed to the development of renewable energy generation and energy efficiency improvements, reduction of GHGs, and protection of the environment in supporting MCE’s electricity procurement plan that offers customers a minimum energy content of 50% renewable to up to 100% renewable; and

Whereas, MCE primarily sources from non-polluting renewables such as solar, wind, geothermal, bioenergy, and hydroelectric; and

Whereas, Solano County finds it important that unincorporated residents, businesses, and public facilities have alternative choices to energy procurement beyond PG&E; and

Whereas, Solano County finds that joining MCE will offer customers choice in their provider of electric generation and help meet the GHG emission reduction goals of both AB 32 and the Solano County CAP, and

Whereas, Solano County finds that joining a CCA does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(3), or 14 Cal Code Regs. Section 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and involves administrative activities that will not result in direct or indirect physical changes in the environment, and

Whereas, the MCE Joint Powers Agreement requires Solano County to individually adopt a resolution requesting membership in the MCE Joint Powers Authority and adopt an ordinance electing to implement a CCA within its jurisdiction.

Therefore, the Solano County Board of Supervisors ordains as follows:

Section 1.

The recitals above are true and correct and are incorporated by this reference and constitute findings in this matter.

Section 2.

Joining a CCA does not constitute a “project”.

Section 3.

The Solano County Board of Supervisors authorizes the implementation of a Community Choice Aggregation Program in unincorporated Solano County and directs the County Administrator to execute the MCE Clean Energy Joint Powers Agreement.

Section 4.

Any portion of this ordinance deemed invalid or unenforceable shall be severed from the remainder, which shall remain in full force and effect.

Section 5.

This ordinance shall take effect 30 days after its adoption.

Section 6.

A summary of this ordinance will be published within 15 days after its adoption in the Fairfield Daily Republic, a newspaper of general circulation in Solano County.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on September 25, 2018 by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

EXCUSED: SUPERVISORS _____

JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Board of Supervisors

By: _____
Jeanette Neiger, Chief Deputy Clerk

Introduced:
Adopted:
Effective:
Operative: