

CITY OF OJAI
ORDINANCE NO. 881

**AN URGENCY 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

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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;

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; and

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WHEREAS, the City Council has the power to enact an urgency ordinance, by a four-fifths vote, not in conflict with general laws, as necessary to protect public peace, health, and safety via exercise of the police power provided to cities in Article XI, section 7 of the California Constitution and in compliance with Government Code section 36937; and

WHEREAS, the County of Los Angeles has stated that the deadline to join the LACCE as a founding member is December 27, 2017; and

WHEREAS, the City Council declares that the preservation of the public's health, safety, and welfare requires that the City join the LACCE as a founding member, thereby ensuring access by its residents and businesses to the renewable energy provided by LACCE, necessary to combat the threat posed to the community by climate change and to ensure that the community does not suffer from the present lack of available renewable electricity options, particularly the present lack of a 100% renewable-sourced electricity generation option.

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.

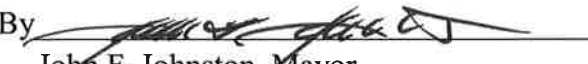
SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this 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 Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 7. Adoption as Urgency Ordinance and Effective Date. This ordinance is adopted as an urgency ordinance pursuant to powers conferred on the City by the California Constitution, Article XI, Section 7, and California Government Code Sections 36934 and 36937, and shall be effective immediately upon its adoption. As detailed in the recitals and findings set forth above, the City Council finds and determines that the adoption of this urgency ordinance is necessary for the immediate preservation of the public peace, health, and safety. This urgency ordinance must be adopted by not less than a four-fifths (4/5th) vote of the City Council.

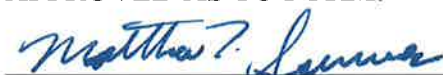
CITY OF OJAI, CALIFORNIA

By 
John F. Johnston, Mayor
12-21-17
Date signed

ATTEST:


Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:



Matthew T. Summers, City Attorney

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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 adopted at a regular meeting of the City Council of the City of Ojai held on December 12, 2017 by the following vote:

AYES:	Blatz, Francina, Haney, Johnston, Weirick
NOES:	None
ABSTAIN:	None
ABSENT:	None



Gail Davis
Deputy City Clerk for the City of Ojai