

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AUTHORIZING THE
IMPLEMENTATION OF A
COMMUNITY CHOICE
AGGREGATION PROGRAM BY
PARTICIPATING WITH THE SONOMA
CLEAN POWER AUTHORITY**

ORDINANCE NO. 925-2016

The City Council of the City of Fort Bragg ordains as follows:

SECTION 1. The City of Fort Bragg has been actively investigating options to provide electric services to constituents within its service area with the intent of achieving greater local involvement over the provision of electric services and promoting competitive and renewable energy.

SECTION 2. 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 (“CCA”).

SECTION 3. The Act expressly authorizes participation in a CCA program through a joint powers agency, and on December 4, 2012, the Sonoma Clean Power Authority (“SCPA”) was established as a joint powers authority pursuant to a Joint Powers Agreement, as amended from time to time (“SCPA Joint Powers Agreement”).

SECTION 4. On October 4, 2013, the California Public Utilities Commission certified the “Implementation Plan” for SCPA’s CCA program and on February 20, 2015, approved a First Revised and Updated Implementation Plan, confirming SCPA’s compliance with the requirements of the Act.

SECTION 5. On June 16, 2015, the Board of Supervisors of Mendocino County adopted Ordinance No. 4337, determining that implementation of a CCA program is in the public interest and welfare of its residents, and elected to authorize and implement a CCA program within the unincorporated areas of the County of Mendocino; and on September 13, 2016, the Board of Supervisors of Mendocino County adopted Ordinance No. 4363, authorizing the implementation of the SCPA’s CCA program within the unincorporated areas of Mendocino County.

SECTION 6. On April 11, 2016 and September 12, 2016, the City Council of the City of Fort Bragg heard presentations and received public comment regarding SCPA’s CCA program. In order to participate in SCPA’s CCA program, the Act requires the City of Fort Bragg to adopt an ordinance electing to implement SCPA’s CCA program in its jurisdiction.

SECTION 7. Based upon all of the above, the City Council of the City of Fort Bragg elects to implement a Community Choice Aggregation program within the City of Fort Bragg, through the City’s participation as a “Participant” in the SCPA CCA program as defined in the

SCPA Joint Powers Agreement. The City Manager is hereby authorized to execute any documents necessary for the City's participation in the program.

SECTION 8. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Fort Bragg hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 9. 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. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Councilmembers voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Cimolino at a regular meeting of the City Council of the City of Fort Bragg held on September 26, 2016, and adopted at a regular meeting of the City of Fort Bragg held on October 11, 2016, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**Dave Turner
Mayor**

ATTEST:

**June Lemos
City Clerk**

**PUBLISH: September 29, 2016 and October 20, 2016 (by summary).
EFFECTIVE DATE: November 10, 2016.**