

ORDINANCE NO. 22-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH APPROVING THE JOINT POWERS AGREEMENT FOR CLEAN POWER ALLIANCE OF SOUTHERN CALIFORNIA AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

The City Council of the City of Hermosa Beach does ordain as follows:

WHEREAS, the City of Hermosa Beach 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 renewable energy at competitive rates;

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;

WHEREAS, the Act expressly authorizes participation in a Community Choice Aggregation (CCA) program through a joint powers agency;

WHEREAS, through Docket No. R.03-10-003, the California Public Utilities Commission has issued various decisions and rulings addressing the implementation of CCA programs, including 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 CCA program and assuring compliance with various elements contained in the Act;

WHEREAS, the Clean Power Alliance of Southern California (CPA) is a joint powers authority established pursuant to California Government Code section 6500 *et seq.* and California Public Utilities Code section 366.2(c) and a Joint Powers Agreement ("Joint Powers Agreement"), which purposes include the following:

To form a Joint Powers Authority known as "Clean Power Alliance of Southern California" (formerly known as "Los Angeles Community Choice Energy Authority");
and

To specify the terms and conditions by which participants may participate as a group in energy programs, including the implementation of a CCA program;

WHEREAS, an Implementation Plan Addendum will be submitted for review and adoption by the CPA Board of Directors;

WHEREAS, Community Choice Aggregation by and through CPA appears to provide a reasonable opportunity to accomplish all of the following:

1 To provide greater levels of local involvement in and collaboration on energy
2 decisions;

3 To significantly increase the amount of renewable energy available to CPA energy
4 customers;

5 To provide price stability, long-term electricity cost competitiveness and other benefits for
6 the community; and

7 To reduce greenhouse gas emissions related to the electricity sector.

8 **WHEREAS**, the Act requires CCA program participants to individually adopt an ordinance
9 ("CCA Ordinance") electing to implement a CCA program within its jurisdiction by and through
10 its participation in CPA;

11 **WHEREAS**, it is in the public's interest and welfare to establish a CCA program within the City
12 of Hermosa Beach; and

13 **WHEREAS**, the Joint Powers Agreement expressly allows the City to vote to withdraw its
14 membership in CPA (and its participation in the CCA program) by providing no less than 180
15 advance written notice to CPA.

16 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,**
17 **CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

18 **SECTION 1.** That the recitals set forth above are true and correct and are incorporated as
19 though fully set forth herein.

20 **SECTION 2.** Based upon the findings and declarations set forth in this ordinance, and in
21 order to provide businesses and residents within the jurisdictional boundaries of the City with a
22 choice of power providers and with the benefits described in the recitals above, the City Council
23 hereby elects to implement a CCA program within the City's jurisdictional boundaries. Upon
24 approval and execution of the Joint Powers Agreement, the City will implement the CCA program
25 by and through the City's participation in CPA).

26 **SECTION 3.** That the City Council hereby approves the Joint Powers Agreement, and
27 directs that the City proceed with the participation in CPA.

28 **SECTION 4.** That the City Council declares that, should any provision, section,
paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court
action in a court of competent jurisdiction or by reason of any preemptive legislation, the
remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby
adopted shall remain in full force and effect.

SECTION 5. That this ordinance shall become effective thirty (30) days after its
adoption.

1 **SECTION 6.** That the City Council finds that it has the authority to adopt this ordinance,
2 that the ordinance is constitutionally valid and that the ordinance is consistent with the general
3 powers and purposes of the City.

4 **SECTION 7.** The Mayor shall sign and the City Clerk shall attest to the passage of this
5 Ordinance. The City Clerk shall cause the same to be published once in the official newspaper
6 within 15 days after its adoption.

7
8 **PASSED, APPROVED, AND ADOPTED this 27th day of September, 2022.**

9
10 _____
11 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

12
13 **ATTEST:**

14 **APPROVED AS TO FORM:**

15
16 _____
17 **Myra Maravilla, City Clerk**

18 _____
19 **Michael Jenkins, City Attorney**