

## **ORDINANCE NO.**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ESTABLISHING A COMMUNITY CHOICE AGGREGATION PROGRAM and APPROVING IMPLEMENTATION PLAN & STATEMENT OF INTENT**

**WHEREAS**, the City of Commerce ("City") is pursuing alternative energy solutions to better the current and future environmental and economic conditions of its community and region; and

**WHEREAS**, Assembly Bill 117 and California Public Utilities Code Sections 218.3, 331.1, 366.2, 381.1, 394 and 394.25, allow the City of Commerce to establish a Community Choice Aggregation Program; and

**WHEREAS**, an initial technical study concluded that a Community Choice Aggregation Program would serve the City and provide benefits to include the use of renewable energy at or above the required Renewable Portfolio Standard level while providing economic benefits to the City; and

**WHEREAS**, the City Council of the City of Commerce has determined that it is in the public interest and welfare to establish a Community Choice Aggregation Program.

**THE CITY COUNCIL OF THE CITY OF COMMERCE DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City of Commerce has been actively investigating options to procure and provide electric power to citizens with the intent of achieving greater local engagement over the provision of electric services and promoting competitively priced 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; herein after 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.

**SECTION 3.** The Act expressly authorizes participation in a Community Choice Aggregation (CCA) program through and by local City government.

**SECTION 4.** 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.

**SECTION 5.** Representatives from the City have developed an

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Implementation Plan (attached hereto as Exhibit A) that describes the formation of the Commerce Community Choice Aggregation ("Commerce CCA") Community Choice Aggregation program to be implemented by the City.

**SECTION 6.** As described in the Implementation Plan, Community Choice Aggregation by and through the City 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 the amount of locally supplied renewable energy available to Commerce citizens.
- c) To provide initial price stability, long-term electricity cost savings and other benefits for the community.
- d) To provide Economic Development opportunities within the City of Commerce.

**SECTION 7.** The Act requires Community Choice Aggregation program participants to adopt an ordinance ("CCA Ordinance") electing to implement a Community Choice Aggregation program within the jurisdiction of the local government agency and approving an Implementation Plan & Statement of Intent.

**SECTION 8.** Based upon all of the above, the Council hereby approves the City proceeding with the implementation of the Commerce Community Choice Aggregation (PRCCA) program within the City's jurisdiction, and approves the Implementation Plan & Statement of Intent in the form attached hereto as Exhibit A.

**SECTION 9.** **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any 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 Commerce hereby 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, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 10.** The City Clerk shall certify to the passage and adoption of this Ordinance and it shall take effect thirty (30) days after its passage.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018  
by members of the City Council of the City of Commerce, voting as follows:

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Hugo A. Argumedo, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Lena Shumway, City Clerk

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Norma Copado, City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**EXHIBIT "A"**  
**IMPLEMENTATION PLAN & STATEMENT OF INTENT**  
**COMMERCE COMMUNITY CHOICE AGGREGATION**  
**PROGRAM**