ORDINANCE NO. 2542

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM IN NEVADA COUNTY

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). The Act expressly authorizes participation in a CCA through a joint powers authority; and

WHEREAS, on September 9, 2015, the County of Placer and the City of Colfax entered into the original Joint Exercise of Powers Agreement for the purpose of establishing the Sierra Valley Energy Authority as a joint powers authority under the Joint Exercise of Powers Act, Government Code section 6500, et seq.; and

WHEREAS, the California Public Utilities Commission certified the "Implementation Plan" of the Sierra Valley Energy Authority, confirming compliance with the requirements of the Act; and

WHEREAS, on February 22, 2017, the Amended and Restated Joint Powers Agreement became effective and authorized the Cities of Auburn, Lincoln, Rocklin, and the Town of Loomis to become Voting Members of the Joint Exercise of Powers Agreement and established a Community Choice Aggregation Program within the jurisdictions of the Voting Members; and

WHEREAS, Resolution No. 2017-3 of the Sierra Valley Energy Authority approved a name change from Sierra Valley Energy Authority to Pioneer Community Energy ("Pioneer"), as it is known today; and

WHEREAS, subsequent amendments to the Amended and Restated Joint Powers Agreement have authorized the County of El Dorado and the Cities of Grass Valley, Nevada City, and Placerville to become Voting Members; and

WHEREAS, currently electricity is generated and provided to the residents of the unincorporated area of Nevada County by Pacific Gas and Electric Company (PG&E) with no alternative provider for the unincorporated Nevada County.

WHEREAS, the County of Nevada finds it important that its residents, businesses and public facilities have alternative choices to energy procurement beyond PG&E.

WHEREAS, in January of 2022, the County of Nevada and Pioneer began discussions and studies to consider the financial feasibility and assessed risk of the addition of unincorporated Nevada County into the service area of Pioneer.

WHEREAS, contingent on completion of those discussions and studies, the County of Nevada believes joining Pioneer will provide financial and other advantages to businesses and residents of unincorporated Nevada County.

383830.2

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement requires a prospective member to individually adopt a resolution of intent expressing desire to become a member of the Joint Powers Authority and adopt an ordinance electing to implement a CCA within its jurisdiction under California Public Utilities Code section 366.2.

WHEREAS, the County of Nevada finds that adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a "project" since it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Reg. § 15378). Further, the ordinance is exempt from CEQA, as there is no possibility that the ordinance or its implementation would have a significant effect on the environment. (14 Cal. Code Reg. § 15061(b)(3).).

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA ORDAINS AS FOLLOWS:

SECTION I:

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

SECTION II:

The Board of Supervisors of the County of Nevada authorizes the implementation of a Community Choice Aggregation Program within the areas currently served by PG&E through participation in the Community Choice Aggregation Program of the Pioneer Community Energy Joint Powers Authority, contingent on all of the following: (a) completion of the impact analysis by Pioneer, (b) the County's adoption of a resolution of intent expressing the County's desire to become a member of Pioneer, (c) approval of an amendment to Pioneer Community Energy's Amended and Restated Joint Exercise of Powers Agreement by the County, each member entity, and the Pioneer Governing Board, and (e) the certification by the California Public Utilities Commission of the Implementation Plan filed by Pioneer to include the County.

SECTION III:

The provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be invalid, the Board of Supervisors of the County of Nevada declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be invalid and such invalidity shall therefore not affect the remaining provisions of this Ordinance which shall remain in full force and effect or the validity of its application to other persons or circumstances.

SECTION IV:

This Ordinance shall take effect and be in full force thirty (30) days after its adoption, and before the expiration of fifteen (15) days after its passage a summary of this Ordinance will be published once in *The Union*, a newspaper of general circulation printed and published in the Nevada County area.

383830.2

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 25th day of February 2025, by the following vote of said Board:

Ayes:	Supervisors Heidi Hall, Robb Tucker, Lisa Swarthout, Susan Hoek and Hardy Bullock.
Noes:	None.
Absent:	None.
Abstain:	None.
Recuse:	None.

ATTEST:

TINE MATHIASEN
Chief Deputy Clerk of the Board of Supervisors

By:_____

_____
Heidi Hall, Chair