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**ORDINANCE NO. 16-**

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA,  
APPROVING IMPLEMENTATION OF A COMMUNITY CHOICE  
AGGREGATION PROGRAM**

**THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH DOES  
HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Findings.

1. The City of Hermosa Beach (“City”) adopted its Municipal Carbon Neutrality Plan (“CNP”) in February 2015.
2. The City of Hermosa Beach has been actively investigating options to procure and provide electric power to its residents with the intent of achieving greater local involvement over the provision of electric services and promoting competitively priced renewable energy. The CNP identified the formation of a Community Choice Aggregation Program by 2017 as a top priority for achieving its carbon neutrality goals.
3. 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”). Assembly Bill 117 and California Public Utilities Code Sections 218.3, 331.1, 366.2, 381.1, 394 and 394.25 permit the City of Hermosa Beach to establish a Community Choice Aggregation Program.
4. An initial feasibility study concluded that a Community Choice Aggregation Program would serve the City and provide benefits including the use of renewable energy at or above the required Renewables Portfolio Standard level while achieving the goals of the CNP and providing economic benefits to the City.
5. Through Docket No. R03-10-003, 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 to be submitted under the Act as the means of describing the Community Choice Aggregation program and ensuring compliance with various elements contained in the Act.

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6. The City has developed an Implementation Plan (attached here to as Exhibit A and incorporated herein by reference) that describes the formation of Hermosa Beach Clean Energy to be implemented by the City.
  7. 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 increase the amount of locally renewable energy available to Hermosa Beach citizens and businesses.
    - (b) To meet the goals established in the Municipal Carbon Neutrality Plan.
    - (c) To provide greater levels of local involvement in and collaboration on energy decisions.
    - (d) To provide initial price stability, long-term electricity cost savings and other benefits for the community.
  8. 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.
  9. The City Council has determined that it is in the public interest and welfare to establish a Community Choice Aggregation Program.

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**SECTION 2.** Based upon the findings set forth in Section 1, the City Council hereby approves proceeding with the implementation of a Community Choice Aggregation program within the City’s jurisdiction, as described in the Implementation Plan in the form attached hereto as Exhibit A.

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**SECTION 3.** 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 Hermosa Beach 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.

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**SECTION 4.** The ordinance shall take effect thirty days after the date of its passage.

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**SECTION 5.** Prior to the expiration of fifteen (15) days after the date of its adoption, the City Clerk shall cause the Ordinance to be published in the Easy Reader, a weekly newspaper of general circulation, published and circulated in the City of Hermosa Beach.

1           **SECTION 6.** The City Clerk shall certify to the passage and adoption of this Ordinance,  
2 shall enter the same in the book of original ordinances of said City; shall make minutes of the  
3 passage and adoption thereof in the records of the proceedings of the City Council at which the  
4 same is passed and adopted.

5           **PASSED, APPROVED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by the following vote:

6           AYES:                   Armato, Duclos, Fangary, Massey, Mayor Petty  
7           NOES:                     None  
8           ABSENT:                  None  
9           ABSTAIN:                 None

10           \_\_\_\_\_  
11           **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

12           ATTEST:

13           APPROVED AS TO FORM:

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16           City Clerk

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18           \_\_\_\_\_  
19           City Attorney