RESOLUTION NO. 2020-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
APPROVING THE ORANGE COUNTY JOINT POWERS AGREEMENT
AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM

The City of Huntington Beach has been actively investigating options to provide electric services to constituents within its service area with the intent of providing rate savings and consumer choice, encouraging adoption of renewable energy, reducing energy consumption, fostering local control, and providing Huntington Beach residents and businesses with alternatives to Southern California Edison Company ("SCE"); and

On September 24, 2002, the Governor signed into law Assembly Bill 117 (Migden, 2002; codified at California Public Utilities Code § 366.2; hereinafter referred to as the "Act"), which authorizes any California city or county, whose governing body so elects, or cities or counties through a joint powers authority, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation (CCA); and

On November 20, 2020, the Orange County Power Authority ("Authority") was established as a joint powers authority pursuant to that certain document entitled *Orange County Power Authority Joint Powers Agreement*, as amended from time to time ("Agreement"); and

The City of Huntington Beach is committed to the purposes of the Orange County Power Authority; and

Electricity in Huntington Beach is currently generated and provided by SCE and there is not presently an alternative provider in the City; and

The City finds it important that its customers – residents, businesses, and public facilities – have alternative choices to energy procurement beyond SCE; and

In order to become a member of the Authority, the Agreement requires the City to adopt a resolution electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in the Authority.

NOW, THEREFORE, the City Council of the City of Huntington Beach resolves as follows:

Section 1. Based upon the foregoing recitals, the City of Huntington Beach City Council elects to implement a Community Choice Aggregation program within the City of Huntington Beach's jurisdiction by and through the City of Huntington Beach's participation in the Authority. The City Manager is hereby authorized to execute the Agreement.

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Section 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution for any reason is held 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 Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 3. This resolution shall take effect on the date the Board of Directors of the Authority approves adding the City of Huntington Beach as a member.

Section 4. The City Clerk shall certify the adoption of this Resolution.

        PASSED AND ADOPTED at a regular meeting of the City Council of the City of Huntington Beach on this _____ day of _____, 2020.

_____
Mayor

REVIEWED AND APPROVED:

_____
City Manager

INITIATED AND APPROVED:

_____
Assistant City Manager

APPROVED AS TO FORM:

_____
City Attorney   NW