

ITEM 4.3

**CITY MANAGER’S REPORT
AUGUST 14, 2023 CITY COUNCIL REGULAR MEETING**

ITEM: **SECOND READING AND ADOPTION OF ORDINANCE 23-447 OF THE CITY COUNCIL OF THE CITY OF LATHROP TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION PROGRAM TO PROVIDE ELECTRIC SERVICES IN THE CITY OF LATHROP**

RECOMMENDATION: **Waive Full Reading and Adopt Ordinance 23-447 Implementing a Community Choice Aggregation Program to Provide Electric Services in the City Of Lathrop**

RECOMMENDED ACTION:

The City Council to conduct a second reading and adopt Ordinance 23-447 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION PROGRAM TO PROVIDE ELECTRIC SERVICES IN THE CITY OF LATHROP

SUMMARY:

On July 10, 2023, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:

- AYES: Akinjo, Diallo, Torres-O’Callaghan, and Dhaliwal
- NOES: None
- ABSTAIN: None
- ABSENT: Lazard

The Ordinance will take effect 30 days after adoption.

SUBMITTED BY:


Teresa Vargas, City Clerk

8/8/23
Date

ORDINANCE NO. 23-447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION PROGRAM TO PROVIDE ELECTRIC SERVICES IN THE CITY OF LATHROP

WHEREAS, The City of Lathrop has an interest in achieving greater local involvement over the provision of electricity supply services, competitive electric rates, local control and investment, and environmental sustainability; and

WHEREAS, Assembly Bill 117 codified as Public Utilities Code Section 366.2 (the "Act"), 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); and

WHEREAS, The Act allows a CCA program to be carried out under a joint powers agreement entered into by entities that each have capacity to implement a CCA program individually. The joint powers agreement structure reduces the risks of implementing a CCA program by immunizing the financial assets of participants; and

WHEREAS, implementing a CCA program will likely provide multiple benefits to the residents, including lower electrical rates, local control and investment, and environmental sustainability; and

WHEREAS, concurrent with the introduction of this ordinance, the City Council considered a resolution approving the East Bay Community Energy Authority Joint Powers Agreement; and

WHEREAS, proper notice of this public hearing was given to all respects as required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1 Findings.

Based upon the findings set forth hereinabove, the City Council elects to participate in, and approves the implementation of a Community Choice Aggregation program within the City of Lathrop's jurisdiction by and through the East Bay Community Energy Authority.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 2 Environmental.

The passage of this ordinance is not a project under the California Environmental Quality Act (CEQA) because it does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Sections 15378, therefore, not subject to CEQA pursuant to CEQA Guidelines Section 15060.

Section 3. Severability

If any provisions of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the validity of any particular portions thereof.

Section 4. Effective Date

This Ordinance shall take legal effect and be in force thirty (30) days from and after the date of its passage.

Section 5. Publication

Within fifteen (15) days after its final passage, the City Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was introduced at a regular meeting of the City Council of the City of Lathrop on the 10th day of July 2023, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the ____th day of _____, 2023 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

**PAGE LEFT
INTENTIONALLY
BLANK**