



City Council Staff Report

Subject: Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy

Date: January 23, 2024

Submitted By: Elizabeth Sorg, Management Analyst

Department: City Manager's Office

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Approving the Second Amended and Restated Joint Powers Agreement for Pioneer Community Energy

Background:

Pioneer Community Energy (Pioneer) is a Joint Powers Authority formed between the Counties of Placer and El Dorado, the Town of Loomis, and the Cities of Auburn, Colfax, Grass Valley, Lincoln, Nevada City, Placerville, and Rocklin. Pioneer is a Community Choice Aggregation Program (CCA) authorized under Assembly Bill 117 (2002). The CCA provides local control over the electricity supply with a primary goal of providing stable and competitive electricity rates to the residents and businesses within its member jurisdictions. Pioneer purchases the electricity supply and Pacific Gas & Electric (PG&E) transmits and delivers the power through PG&E's infrastructure (poles and wires). PG&E continues to own, operate, and maintain its distribution infrastructure. PG&E also continues to provide meter reading and billing services for Pioneer's customers.

On December 19, 2023, the City received notice from Pioneer of a proposed vote to adopt a Second Amended and Restated Joint Powers Agreement (JPA). The majority of the proposed amendments to the JPA would clarify language and correct clerical errors. The primary substantive change would be to amend Section 19, Amendments, to streamline adoption of amendments to the JPA that do not directly impact the member agencies or change the nature of Pioneer or its powers.

Currently, notice of a proposed amendment must be sent to each member agency 30 days in advance of the Pioneer Governing Board's consideration of the amendment. A two-thirds majority of the Board is required to approve an amendment. Further, the amendment must be approved by separate resolution of each of the member agencies, and finally, notice must be provided to members after the amendment is final.

The proposed change would specify that only amendments to Section 4, Powers, and the addition of new member agencies, would require member agency approval by resolution. Other amendments could be approved by the Pioneer Governing Board with a two-thirds vote, with notice provided to the member agencies 30 days prior and after the action. This is intended to allow amendments that are more internal in nature (affecting board membership, agency governance, etc.) to proceed with solely a two-thirds vote by the Pioneer Governing Board. That said, under the proposed process, the City would still be given notice and an opportunity to object to any proposed amendment.

The Pioneer Board is scheduled to vote on the proposed amendments on January 18, 2024.

Fiscal Impact:

There is no fiscal impact to the City of Rocklin.

ATTACHMENTS:

1. [Resolution](#)
2. [Resolution Exhibit A - Second Amended and Restated Joint Exercise of Powers Agreement](#)
3. [Joint Powers Agreement Redline](#)
4. [Staff Report from November 16, 2023 Pioneer Community Energy Meeting](#)