

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN,  
STATE OF CALIFORNIA

ORDINANCE NO. 4642

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF  
SAN JOAQUIN TO IMPLEMENT A COMMUNITY CHOICE AGGREGATION  
PROGRAM TO PROVIDE ELECTRIC SERVICES IN THE COUNTY OF SAN  
JOAQUIN**

The Board of Supervisors of the County of San Joaquin ordains as follows:

**WHEREAS**, The County of San Joaquin 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 Board of Supervisors considered a resolution approving the Ava 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 Board of Supervisors has reviewed all written evidence and oral testimony presented to date.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY  
OF SAN JOAQUIN DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1 Findings.**

Based upon the findings set forth hereinabove, the Board of Supervisors elects to

participate in, and approves the implementation of a Community Choice Aggregation program within the County of San Joaquin's jurisdiction by and through the Ava Community Energy Authority.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the County or any officer or employee thereof a mandatory duty of care toward persons and property within or without the County 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 Board of Supervisors 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 County Clerk shall cause a copy of this Ordinance to be published in full accordance with Section 36933 of the Government Code.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this 9<sup>th</sup> of April 2024 to wit:

AYES: **Canepa, Patti, Ding, Rickman, Villapudua**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

**Miguel A. Villapudua**

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MIGUEL A. VILLAPUDUA  
Chairman, Board of Supervisors  
County of San Joaquin  
State of California

ATTEST: RACHÉL DeBORD  
Clerk of the Board of Supervisors  
County of San Joaquin  
State of California



By: **Rachél DeBord**