

RESOLUTION NO. 2019-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA ACCEPTING THE NORTH SAN DIEGO COUNTY CITIES COMMUNITY CHOICE ENERGY TECHNICAL FEASIBILITY STUDY, EXPRESSING INTENT TO PURSUE A COMMUNITY CHOICE ENERGY PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND FUND A COST SHARE AGREEMENT ALLOWING FOR THE CITY OF DEL MAR'S PARTICIPATION IN PROCURING JOINT LEGAL SERVICES TO ASSIST IN THE NEGOTIATION AND PREPARATION OF COMMUNITY CHOICE ENERGY FORMATION DOCUMENTS IN AN AMOUNT NOT TO EXCEED \$5,000

WHEREAS, Community Choice Energy (CCE) is a mechanism that allows local governments to purchase and supply electrical power to customers within their jurisdiction as an alternative to the service provided by an investor-owned utility; and

WHEREAS, the term "Community Choice Energy" and "Community Choice Aggregation" are used interchangeably; and

WHEREAS, the City's Climate Action Plan (CAP) has a goal to achieve 100% renewable energy by 2035, and implementation of a CCE program is one of the actions identified in the CAP that would facilitate the City achieving this goal; and

WHEREAS, on October 3, 2016, the Del Mar City Council approved Resolution 2016-52 stating the City's interest in exploring the feasibility of a CCE program; and

WHEREAS, on June 5, 2017, the Del Mar City Council authorized the City Manager to enter a cost share agreement with the cities of Encinitas, Carlsbad and Oceanside to prepare a CCE Technical Feasibility Study and allocated \$35,000 for this effort; and

WHEREAS, on January 24, 2018, the City of Encinitas entered into contract with EES Consulting to prepare the CCE Technical Feasibility Study on behalf of the City of Del Mar; and

WHEREAS, on March 4, 2019, the Del Mar City Council received a presentation of the draft North San Diego County Cities Community Choice Energy Technical

Feasibility Study and authorized the City Manager to negotiate, execute and fund a cost share agreement allowing for the City of Del Mar's participation in an evaluation of potential CCE program governance options; and

WHEREAS, the City of Del Mar has joined the cities of Encinitas and Carlsbad in a cost share agreement to engage EES Consulting to prepare an evaluation of CCE program governance options; and

WHEREAS, on April 15, 2019, the Del Mar City Council received the final North San Diego County Cities Community Choice Energy Technical Feasibility Study, dated March 28, 2019 (Exhibit 1); and

WHEREAS, the Feasibility Study determined that a CCE program is both technically and financially feasible, and could provide environmental and economic benefits to residents and businesses in the City of Del Mar; and

WHEREAS, on April 15, 2019, the Del Mar City Council therefore expresses its intent to pursue a CCE program based on the findings in the study; and

WHEREAS, the City of Del Mar has been invited to join the cities of Encinitas and Carlsbad in a cost share agreement to engage Richards Watson Gershon (RWG) Law to assist the cities in negotiating and preparing CCE formation documents, as outlined in their proposal dated March 6, 2019 (Exhibit 2); and

WHEREAS, the City of Del Mar's anticipated cost share amount for CCE legal services is not to exceed \$5,000; and

WHEREAS, adoption of this resolution in no way obligates the City of Del Mar to participate in any future decision to establish a CCE program.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby accepts the final North San Diego County Cities Community Choice Energy Technical Feasibility Study, expresses its intent to pursue a CCE program, and authorizes the City Manager to execute and fund a cost share agreement for the City of Del Mar's participation in procuring joint legal services to assist in the negotiation and preparation of CCE formation documents in an amount not to exceed \$5,000.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held on the 15th day of April 2019.

Dave Druker, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2019-___, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 15th day of April, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ashley Jones
Administrative Services Director/City Clerk
City of Del Mar