

RESOLUTION NO. PB-2018-07

A RESOLUTION OF THE POLICY BOARD OF DIRECTORS OF THE MONTEREY BAY COMMUNITY POWER AUTHORITY APPROVING AMENDMENT NO. 1 TO ITS JOINT POWERS AGREEMENT TO ADD THE CITIES OF SAN LUIS OBISPO AND MORRO BAY AS PARTIES

WHEREAS, the Monterey Bay Community Power ("Authority") was formed on February 21, 2017, pursuant to a Joint Powers Agreement to study, promote, develop, conduct, operate, and manage energy programs in Santa Cruz, Monterey and San Benito Counties and neighboring regions; and

WHEREAS, the Cities of San Luis Obispo and Morro Bay in San Luis Obispo County by resolution adopted by their City Councils have requested to become parties to the Authority's Joint Exercise of Powers Agreement and participate in the Authority's community choice aggregation program; and

WHEREAS, this request by the Cities of San Luis Obispo and Morro Bay requires an amendment to the Joint Exercise of Powers Agreement since the Agreement presently limits participation to cities located in Monterey, Santa Cruz and San Benito Counties; and

WHEREAS, Section 7.4 of the Authority's Joint Exercise of Powers Agreement authorizes the Policy Board by a two-thirds vote to amend the Joint Exercise of Powers Agreement after providing notice to all parties to the Agreement of the amendment and its effective date, which notice has been duly given; and

WHEREAS, this resolution and the amendment of the Joint Exercise Powers Agreement is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a "project" because it involves organizational and administrative activities of government that will not result in direct or indirect physical changes in the environment. (14 Cal. Code Regs. §15378 (b)(5).) Further the resolution is exempt from CEQA, as there is no possibility that the resolution or its implementation would have a significant effect on the environment (14 Cal. Code Regs §15061 (b)(3).) The resolution is also categorically exempt because it is an action taken by a regulatory agency to assure the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. §15308). The Authority will cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

WHEREAS, the Authority wishes to amend the Joint Exercise of Powers Agreement to add the Cities of San Luis Obispo and Morro Bay as parties.

NOW, THEREFORE, the Policy Board of Directors of the Monterey Bay Community Power Authority does hereby resolve, determine, and order as follows:

1. The requests by the City of San Luis Obispo and the City of Morro Bay to become

members of Monterey Bay Community Power are hereby approved subject to the execution of the Joint Exercise of Powers Agreement as amended by these cities.

2. Amendment No. 1 to the Monterey Bay Community Power Joint Exercise of Powers Agreement is hereby approved.
3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Policy Board of the Monterey Bay Community Power Authority this 5th day of December 2018 by the following vote:

AYES: Brown, Coffman-Gomez, Termini, Parker, Delgado; Muenzer, Freeman; Vice Chair McShane; Chair McPherson

NOES: None

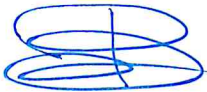
ABSENT: Haffa, Orozco

DISQUALIFIED: None



Chair, Bruce McPherson

Attest:



Board Clerk, Bren Lehr