

RESOLUTION NO. 2013-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING A RENEWABLE ENERGY RESOURCES PROCUREMENT PLAN PURSUANT TO CALIFORNIA SENATE BILL 2-1X

WHEREAS, the City of Moreno Valley (the "City") is authorized under various provisions of the California Constitution and the general laws of California (including, specifically, Article XI, Section 9(a) of the California Constitution, Public Utilities Code Section 10004, and Government Code section 39732(a)) to establish, purchase, and operate a public utility to furnish its inhabitants with, among other things, electricity; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, as a municipal electric utility, the City is generally subject to the legislative and regulatory requirements applicable to local publicly owned electric utilities ("POUs"); and

WHEREAS, the State of California passed Senate Bill 2 (1st Extraordinary Session) ("SB 2-1X"), effective as of December 10, 2011, requiring POUs, including the City, to adopt and implement, among other things, a renewable energy resources enforcement program that requires POUs to procure a minimum quantity of eligible renewable energy resources over certain periods, subject to a cost limitation and other flexible compliance measures adopted by the POUs' respective governing board; and

WHEREAS, in accordance with Public Utilities Code section 399.30(e) (added by SB 2-1X), the City Council, as the governing board of the City, adopted Resolution 2012-02 on January 10, 2012, adopting and establishing a renewable energy resources enforcement program for the enforcement of the City's obligations under SB 2-1X ("RPS Enforcement Program"); and

WHEREAS, in accordance with Public Utilities Code section 399.30(a), the RPS Enforcement Program directs staff to develop and present a renewable energy resources procurement plan ("RPS Procurement Plan") to the City Council; and

WHEREAS, the City has taken various steps, including the City's participation in a request for information distributed jointly by several small POUs, to obtain information from market participants on the expected cost and sufficiency of supply of renewable resources meeting the requirements of SB 2 1-X and the unique portfolio risks and cost limitations of small POUs ("RPS Information"); and

WHEREAS, the City has analyzed the RPS Information and factors underlying the use of flexible compliance measures in a manner that assures good faith compliance with SB 2 1-X while recognizing the unique circumstances facing the City as a small POU; and

WHEREAS, based on information and factors analyzed by the City, the City has developed a draft RPS Procurement Plan that (1) describes the resources the City plans to use to meet the procurement targets described in the RPS Enforcement Program and (2) includes the flexible compliance measures that the City requests the City Council to adopt for the first compliance period under SB 2 1-X;

WHEREAS, the City has provided notice and distributed material related to its draft RPS Procurement Plan in accordance with Public Utilities Code section 399.30(f); and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The RPS Procurement Plan set forth in Attachment 2, which is attached hereto and incorporated herein, is hereby approved and adopted.

SECTION 2. As authorized in SB 2 1-X, flexible compliance measures are hereby approved and adopted, as follows:

A cost limitation for procurement expenditures is hereby approved and adopted (as described in Section 7 of the RPS Procurement Plan).

SECTION 3. The City Manager or his/her authorized designee is authorized and directed to do and perform all acts required to implement the RPS Procurement Plan, and to periodically report to the City Council.

APPROVED AND ADOPTED this 11th day of June, 2013.

Mayor of the City of Moreno Valley

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2013-37 was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 11th day of June, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

CITY CLERK

(SEAL)