City of Biggs

Agenda Item Staff Report
for the Regular City Council Meeting:
April 16, 2012 6:00PM

DATE: March 30, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Pete Carr, City Administrator

SUBJECT: City Participation in NCPA Public Benefits Committee (Discussion/Action)

Council is asked to consider adopting a local resolution and authorizing city administrator to sign a related NCPA memorandum of understanding.

Background:

As State requirements and regulations have evolved for energy efficiency, NCPA member agencies have found it helpful to collaborate to better understand and coordinate approaches to reporting and emerging technologies. The resulting effort has become known as the Public Benefits Committee, although until recently it has not been formally established nor provided authority nor boundaries.

NCPA staff, in consultation with the committee and agency utility directors (UD's), has developed a memorandum of understanding (MOU) for signature by UD's, which has received broad support across the agency. There is an opportunity for Biggs to participate while still retaining its autonomy by locally defining its participation and Public Benefits program approach.

The electric commissioner (Mayor Frith), city administrator and city attorney have drafted resolution language intended to establish and convey the City's internal expectations for participation in the Public Benefits Committee, as well as to clarify to staff Council direction for reporting on energy efficiency programs.

Attachments (2):
- NCPA MOU for Public Benefits
- Resolution 2012-02 for Local definition of Public Benefits Committee Participation

Recommendation:

Adopt Resolution 2012-02, "Resolution of the City Council of the City of Biggs Affirming and Defining the City's Participation in the NCPA Public Benefits Committee" and direct city administrator to execute the proposed Public Benefits MOU with NCPA.

Fiscal Impact of Recommendation: None.

MEMORANDUM OF UNDERSTANDING

BETWEEN

MEMBERS OF THE NORTHERN CALIFORNIA POWER AGENCY

REGARDING PUBLIC BENEFITS PROGRAMS AND PROJECTS

This **MEMORANDUM OF UNDERSTANDING** (the "**MOU**") dated _____, 2012 is intended to document the intentions of the following **MEMBERS OF THE NORTHERN CALIFORNIA POWER AGENCY ("NCPA")** and to provide a framework for the signatory NCPA Members to work together in collaboration on projects related to the Public Benefits Programs or Public Benefits Projects established by Members that are subject to California Public Utilities Code Section 385.

NOW, THEREFORE, THE MEMBERS THAT ARE SIGNATORIES HERETO AGREE AS FOLLOWS:

I. Establishment of Public Benefits Advisory Group.

Members agree to establish, amongst themselves, a staff level technical committee of Member representatives as a Public Benefits Advisory Group. It will meet in Roseville at NCPA once every other month, or more frequently as determined by the Utility Directors or equivalent.

II. Purpose of Public Benefits Advisory Group.

The purpose of the Public Benefits Advisory Group shall be to provide advice and guidance to Utility Directors to facilitate cooperation, coordination with NCPA, and exchange of information in connection with the various matters which may arise from time to time in connection with the Public Benefits Programs or Public Benefits Projects established by Members that are subject to California Public Utilities Code Section 385.

III. Appointment to Public Benefits Advisory Group.

Each Member's Utility Director or equivalent is entitled to appoint one (1) Member staff person to serve as a representative to the Public Benefits Advisory Group.

IV. Public Benefits Advisory Group Responsibilities.

The Public Benefits Advisory Group shall have the following responsibilities related to Member Public Benefits Programs:

A. Review and make recommendations to Utility Directors concerning methods for sharing best practices related to and among Members by:

1. realizing economies of scale for Member communities through joint project collaboration;

2. providing technical guidance to Members that may be interested in deploying similar programs within their respective utility service territory; and

3. developing a better understanding of cutting edge technologies and new programs.

B. Work collaboratively to respond to legislative and regulatory mandates to provide data and formal reports related to energy efficiency, renewable resources, renewable resources, research and development, and low income assistance; and

C. Perform such other advisory functions and duties as directed by Utility Directors.

V. Public Benefits Project Recommendations.

The Public Benefits Advisory Group may also recommend that Members participate in specific projects undertaken pursuant to Section 385 of the California Public Utilities Code. Each such project shall be undertaken only after approval of a formal L&R member services agreement with NCPA by which the participating Members agree to pay for the costs of such project.

VI. Effective Date.

This MOU shall take effect with respect to that Member upon that Member's signature of the MOU.

VII. Member Obligations.

Each Member shall be responsible for the acts and omissions of its Public Benefits Advisory Group Representative.

VIII. Integration; Modification.

This MOU incorporates the entire understanding and agreement between the parties and supersedes all prior understandings and agreements between the parties, whether oral or written, with respect to the subject matter hereof. To be effective, an amendment, waiver or termination of this MOU must be in a document signed by an authorized officer of each party.

IN WITNESS WHEREOF, Members have executed this MOU on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

CITY OF ALAMEDA

By: _____

Its: _____

Date: _____

CITY OF BIGGS

By: _____

Its: _____

Date: _____

CITY OF GRIDLEY

By: _____

Its: _____

Date: _____

CITY OF HEALDSBURG

By: _____

Its: _____

Date: _____

CITY OF LODI

By: _____

Its: _____

Date: _____

CITY OF LOMPOC

By: _____

Its: _____

Date: _____

CITY OF PALO ALTO

By: _____

Its: _____

Date: _____

PORT OF OAKLAND

By: _____

Its: _____

Date: _____

CITY OF REDDING

By: _____

Its: _____

Date: _____

CITY OF ROSEVILLE

By: _____

Its: _____

Date: _____

CITY OF SANTA CLARA

By: _____

Its: _____

Date: _____

TRUCKEE DONNER PUBLIC UTILITY DISTRICT

By: _____

Its: _____

Date: _____

CITY OF UKIAH

By: _____

Its: _____

Date: _____

PLUMAS-SIERRA RURAL ELECTRIC COOPERATIVE

By: _____

Its: _____

Date: _____

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS AFFIRMING AND DEFINING THE CITY'S PARTICIPATION IN THE NCPA PUBLIC BENEFITS COMMITTEE

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WHEREAS: NCPA members have found it helpful to collaborate on sharing of technology and reporting requirements related to the Public Benefits and other energy efficiency programs and projects; and

WHEREAS: The Public Benefits Committee (PBC) is established by MOU to facilitate and provide boundaries for this collaborative effort; and

WHEREAS: Biggs desires to continue to participate in the PBC to the extent it aids Biggs staff in their responsibilities, facilitates carrying out of city objectives and directives as set forth by the city council, and does not add cost or other obligatory burden to the city; and

WHEREAS: The city council desires to be informed and retain local control of energy efficiency efforts and programs;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Biggs, that approval of the NCPA PBC MOU is dependent upon and supported by the following local understanding for the benefit of effective internal staff and council use:

1. Staff participation in PBC activities is limited to an average of four (4) hours per month, acknowledging that this may include full-day out-of-town meetings every other month, telephone conference calls, research activities, and collaboration with other agencies. Exceedance of four hours requires reporting to city council and, if practical, prior approval of the city council.

2. Staff, through the city administrator, will provide to council a concise written report of PBC participation, activities and budget changes at least quarterly.

3. Any obligations on the city such as rebate rates to be paid, purchases over $500 to be made from PB funds, and NCPA projects in which to participate, will be brought to the council via the City Administrator/UD and/or electric commissioner for direction in advance of any commitment or indication to NCPA of city interest.

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I HEREBY CERTIFY that the foregoing **RESOLUTION** was duly introduced, passed and adopted at a meeting of the City Council of the City of Biggs, held on the 16th day of April, 2012 by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

_____
Roben Dewsnup
CITY CLERK

APPROVED:

_____
Roger L. Frith
MAYOR