

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF MORGAN HILL APPROVING THE  
JOINT POWERS AGREEMENT ESTABLISHING  
THE SILICON VALLEY CLEAN ENERGY AUTHORITY**

**WHEREAS**, the Cities of Cupertino, Mountain View and Sunnyvale and the County of Santa Clara formed and sponsored the Silicon Valley Community Choice Energy Partnership (SVCCEP) to investigate options to provide electric service to customers within the area with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of local, renewable energy projects, reduced greenhouse gas emissions, and the implementation of energy conservation and efficiency projects and programs; and

**WHEREAS**, the City of Morgan Hill through its participation in SVCCEP has participated in the preparation of a Technical Feasibility Study for a community choice aggregation (“CCA”) program under the provisions of Public Utilities Code Section 366.2, with the Technical Feasibility Study concluding that implementing a community choice aggregation program would likely achieve the goals and benefits described above; and

**WHEREAS**, the City of Morgan Hill desires to enter into the Joint Powers Agreement establishing the Silicon Valley Clean Energy Authority in order to implement a community choice aggregation program pursuant to Public Utilities Code Section 366.2(c)(12) within the jurisdiction of the City along with the other municipalities that become a member of the Authority;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF MORGAN HILL HEREBY RESOLVES:**

Section 1. The Silicon Valley Clean Energy Authority Joint Powers Agreement, attached hereto as Exhibit B, is hereby approved and the Mayor is authorized to execute this Agreement upon the effective date of this resolution.

Section 2. This resolution and the establishment of the Silicon Valley Clean Energy Authority is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, as it is not a “project” since this action 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 negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). A Notice of Exemption shall be filed as authorized by CEQA and the State CEQA guidelines.

Section 3. This resolution shall be effective upon the adoption of Ordinance No. \_\_\_\_\_, AN ORDINANCE OF THE CITY OF MORGAN HILL AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION (CCA) PROGRAM.

Section 4. That the City’s previously adopted Fiscal Year 2015/2016 Annual Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and

Section 5. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City's Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2015/2016 Annual Budget of City.

**PASSED AND ADOPTED** by the City Council of the City of Morgan Hill at its meeting held on this 16th day of December, 2015 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Steve Tate, MAYOR**

**∞ CERTIFICATION ∞**

**I, Irma Torrez, City Clerk of the City of Morgan Hill, California,** do hereby certify that the foregoing is a true and correct copy of Resolution No.XXXX , adopted by the City Council at the meeting held on December 16th, 2015.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Irma Torrez, CITY CLERK**

## Exhibit A