

RESOLUTION NO. 2017-13

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY AUTHORIZING THE CITY OF MILPITAS TO BE A MEMBER OF THE AUTHORITY, DETERMINING THE INITIAL VOTING SHARES FOR THIS NEW MEMBER, AND REVISING EXHIBIT D TO THE JOINT POWERS AGREEMENT TO ADD THESE NEW VOTING SHARES

WHEREAS, the Silicon Valley Clean Energy Authority ("Authority") was formed on March 31, 2016 pursuant to its Joint Powers Agreement ("Agreement") to study, promote, develop, conduct, operate, and manage energy programs in Santa Clara County; and

WHEREAS, Section 3.1 of the Agreement provides that incorporated cities and counties, in addition to the initial participants, may by resolution of its governing body request membership in the Authority;

WHEREAS, Section 3.1 further provides that the Board of Directors may approve the request for membership upon a two-thirds affirmative vote of the entire Board subject to any conditions that the Board considers appropriate;

WHEREAS, the City of Milpitas has adopted a resolution requesting membership in the Authority, a Community Choice Aggregation ordinance required by Public Utilities Code Section 366.2(c)(12), and a resolution authorizing the execution of the Agreement upon approval of its request for membership by the Authority Board of Directors; and

WHEREAS, the Authority's staff has evaluated the request by the City of Milpitas to become a member of the Authority and recommends approval of this request as serving the interests of the Authority.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The City of Milpitas is hereby authorized to become a party to the Agreement and a member of the Authority subject to the following conditions:

- (a) The Community Choice Aggregation ordinance adopted by the City of Milpitas becoming effective.
- (b) The execution of the Agreement by the duly authorized official of the City of Milpitas.

The City of Milpitas shall become a member of the Authority upon the satisfaction of the above two conditions.

Section 2. The initial voting shares for the City of Milpitas as determined pursuant to Section 4.9.3 of the Agreement shall be 15.3%. Exhibit D to the Agreement shall be revised to insert the above initial voting share for the City of Milpitas.

ADOPTED AND APPROVED this 29th day of November, 2017.



Chair

ATTEST:



Clerk