

RESOLUTION NO. 2021-10

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY APPROVING THE CALIFORNIA COMMUNITY CHOICE FINANCING AUTHORITY JOINT POWERS AGREEMENT AND AUTHORIZING ITS EXECUTION BY THE CHIEF EXECUTIVE OFFICER

WHEREAS, the Silicon Valley Clean Energy Authority (“SVCE”), acting pursuant to Article I (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “JPA Law”), may enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them and, pursuant to Government Code Section 6588, to exercise certain additional powers; and

WHEREAS, SVCE and Central Coast Community Energy, East Bay Community Energy, and Marin Clean Energy desire to create and establish a joint exercise of powers agency pursuant to the JPA Law, such joint exercise of powers agency to be known as the California Community Choice Financing Authority (the “CCCFA”) or by such other name as specified in the JPA Agreement (defined below) as executed and delivered, for the purpose of establishing an entity to undertake the financing or refinancing of energy prepayments that can be financed with tax advantaged bonds on behalf of one or more of its members by, among other things, issuing or incurring bonds and entering into related contracts with its members; and

WHEREAS, SVCE is a community choice aggregator, as such term is defined in Section 331.1 of the Public Utilities Code of the State of California (the “Public Utilities Code”), that is a public agency, as such term is defined in the JPA Law, which has implemented a CCA program pursuant to Section 366.2 of the Public Utilities Code, and possesses the power to purchase and sell electric energy and enter into related contracts for such purposes; and

WHEREAS, there has been prepared and submitted to this meeting a form of Joint Powers Agreement (such Joint Powers Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as the “JPA Agreement”), which JPA Agreement creates and establishes the CCCFA; and

WHEREAS, under California law and the JPA Agreement, the CCCFA will be a public entity separate and apart from the parties to the JPA Agreement, and the debts, liabilities and obligations of the CCCFA will not constitute debts, liabilities or obligations of SVCE or any representative of SVCE serving on the governing body of SVCE; and

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

Section 1. The form of JPA Agreement on file with the Clerk of SVCE is hereby approved. The Chief Executive Officer of SVCE (the “Authorized Officer”) is hereby authorized and directed, on behalf of SVCE, to execute and deliver the JPA Agreement substantially in the approved form, with such changes as the Authorized Officer executing such

document may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. The formation of the CCCFA pursuant to the JPA Agreement is hereby authorized and approved.

Section 3. The officers, employees and agents of SVCE are hereby authorized and directed, jointly and severally, to execute and deliver any and all documents, agreements and instruments and to do any and all things which they may deem necessary or advisable in order to consummate the transactions herein authorized and otherwise to carry out, give effect to and comply with the terms and intent of the JPA Agreement and this Resolution.

Section 4. All actions heretofore taken by the officers, employees and agents of SVCE with respect to the matters set forth above are hereby approved, confirmed and ratified.

ADOPTED AND APPROVED this 14th day of April 2021, by the following vote:

JURISDICTION	NAME	AYE	NO	ABSTAIN	ABSENT
City of Campbell	Director Gibbons	✓			
City of Cupertino	Director Willey	✓			
City of Gilroy	Director Hilton	✓			
City of Los Altos	Director Fligor	✓			
Town of Los Altos Hills	Director Tyson	✓			
Town of Los Gatos	Director Rennie	✓			
City of Milpitas	Director Chua	✓			
City of Monte Sereno	Director Ellahie	✓			
City of Morgan Hill	Director Martinez Beltran	✓			
City of Mountain View	Director Abe-Koga	✓			
County of Santa Clara	Director Ellenberg	✓			
City of Saratoga	Director Walia	✓			
City of Sunnyvale	Director Larsson	✓			

DocuSigned by:
Margaret Abe-Koga
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 Chair

ATTEST:

DocuSigned by:
Andrea Pizano
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 Clerk