

**ASSOCIATION OF BAY AREA GOVERNMENTS
PUBLICLY OWNED ENERGY RESOURCES**

BOARD OF DIRECTORS

RESOLUTION NO. 23-05

RESOLUTION ADMITTING CURRENT PARTICIPANTS OF THE SCHOOL PROJECT FOR UTILITY RATE REDUCTION (SPURR) AS NEW MEMBERS OF ABAG PUBLICLY OWNED ENERGY RESOURCES (ABAG POWER), PROVIDED THEY MEET THE REQUIREMENTS SET FORTH IN THE ABAG POWER JOINT POWERS AGREEMENT (JPA) AND BYLAWS

WHEREAS, in 1998, the Association of Bay Area Governments (ABAG) and local governments created ABAG POWER for the purpose of acquiring for use by its members, energy, including, but not limited to, natural gas and electricity, and of telecommunications services and such other services and goods as may be necessary or convenient to optimize costs savings and to manage the use or supply of energy or telecommunications services; and,

WHEREAS, ABAG is the appointed administrative member of ABAG POWER, and pursuant to a Contract for Services dated May 30, 2017, between the Metropolitan Transportation Commission (MTC) and ABAG (Contract for Services), MTC provides staffing services to ABAG and its Local Government Programs, which includes ABAG POWER, and in providing such staffing services applies MTC rules; and

WHEREAS, the Bylaws of ABAG POWER provide that the Board has the power, upon majority vote, to establish Programs within the purpose and power of ABAG POWER and to adopt general policy guidelines for their implementation; and

WHEREAS, the Board in 1998 established both a Natural Gas Aggregation Program and an Electric Aggregation Program, and in 2023 established a Renewable Natural Gas Program; and

WHEREAS, ABAG POWER, through its “core” (small usage accounts) and “noncore” (large usage accounts) natural gas aggregation offerings, currently aggregates the natural gas needs of 37 public agencies voluntarily participating in the Natural Gas Aggregation Program; and

WHEREAS, the SPURR is a California Joint Powers Authority formed to seek reduction and control of utility costs on behalf of its members; and

WHEREAS, SPURR membership is open to all California public K-12 school districts, county offices of education, and community college districts (collectively, public agencies); and

WHEREAS, SPURR has acted as a natural gas energy service provider for approximately thirty years and through its natural gas program provides services to approximately 220 “core” (small usage account) participants; and

WHEREAS, on June 16, 2023, SPURR released a Request for Qualifications and Proposals inviting qualified retail natural gas energy service providers to submit responsive proposals to serve either core or noncore accounts, or both types of accounts, and announcing 1) its decision to terminate its core natural gas program on or about June 30, 2024, and 2) that SPURR would recommend that current SPURR natural gas program participants transition to an awarded energy service provider, if any, under the terms and conditions obtained through the RFQP; and

WHEREAS, SPURR's RFQP does not represent an obligation by SPURR, or by any other entity, to purchase services through the RFQP, in that each current SPURR participant may decide for itself whether to enter into an agreement for services with an awarded provider; and

WHEREAS, on July 26, 2023, ABAG POWER submitted a timely proposal in response to SPURR's RFQP; and

WHEREAS, SPURR evaluated responses to the RFQP and recommended ABAG POWER for the award for core accounts, subject to execution of a SPURR Master Contract between SPURR and ABAG POWER; and

WHEREAS, Pursuant to the RFQP, SPURR intends to recommend current participants engage with ABAG POWER regarding its natural gas service offerings; and

WHEREAS, the public agencies and non-profits that are members of SPURR are eligible to join ABAG POWER, provided they meet the enrollment requirements established by the JPA and Bylaws which require adoption of a resolution approving entry into ABAG POWER, designating a voting director, authorizing execution of the JPA, and acknowledging the Bylaws.

WHEREAS, the admittance of a new member to the ABAG POWER JPA requires a two-thirds vote of a quorum of the Board of Directors; and

WHEREAS, the admittance of new members is in the best interest of current members because an increase in membership is likely to result in lower rates through increased purchasing power and the allocation of fixed expenses amongst a larger usage pool, larger financial reserves, a broader range of participants on the ABAG POWER Board of Directors and Executive Committee, and a greater likelihood of attracting additional members and serving as an attractive option for grant funding opportunities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of ABAG POWER, hereby finds the foregoing recitals are true and correct and approves the admission current participants of the School Project for Utility Rate Reduction, including but not limited to the list of participants in the accompanying staff report dated December 11, 2023, provided they meet the requirements of ABAG POWER's JPA and Bylaws at the time of application.

; and

BE IT FURTHER RESOLVED, the Executive Director of MTC or designee (ED), acting pursuant to the Contract for Services, is authorized to negotiate and execute agreements with current members of SPURR and other Eligible Entities, as defined by the SPURR Master Contract, to effectuate the purpose of joining as a new member of the ABAG POWER JPA and participating in any of its programs.

This foregoing was adopted by the Board of Directors at its meeting on this 11th day of December, 2023.

By: _____
Doug Williams, Chair

Certification of Board of Directors Approval

I, the undersigned, the appointed and qualified Secretary of the ABAG Publicly Owned Energy Resources (ABAG POWER), do hereby certify that the foregoing resolution was adopted by the Board of Directors of ABAG POWER at a duly called meeting held on the 11th day of December, 2023.

Jane Elias, Secretary
ABAG POWER