RESOLUTION NO. 2013-9

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING THE JOINT EXERCISE OF POWERS AGREEMENT CREATING THE ENERGY COUNCIL AND AGREEING TO BECOME A MEMBER OF THE ENERGY COUNCIL

WHEREAS, The Alameda County Waste Management Authority (herein referred to as StopWaste.Org) in the course of implementing the Countywide Integrated Waste Management Plan has made an ongoing, coordinated effort to reduce the emissions that cause climate change, improve air quality, reduce waste, cut energy use and save money through its Green Building program, the Green Packages project, and the Energy Upgrade California program; and

WHEREAS, StopWaste.Org has successfully secured several energy-related grants, including approximately $8 million in economic stimulus funding on behalf of its member agencies; and

WHEREAS, there is an opportunity to continue and expand the types of energy efficiency programs through funding from multiple sources, including regional/state/federal agencies, investor owned utilities and private foundations; and

WHEREAS, based on input from potential funders, a Joint Exercise of Powers agency that is expressly authorized to seek and expend energy-related funds -- separate from the existing Alameda County Waste Management Authority -- would provide a clear signal that our region prioritizes energy management and has established a dedicated governance structure for this purpose; and

WHEREAS, the attached Joint Exercise of Powers Agreement would create an independent Energy Council to seek funding; develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency; and advance the use of clean, efficient, and renewable resources available in the region for the benefit of the member agencies and their constituents; and

WHEREAS, becoming a member of the Energy Council will benefit the City of Albany in providing greater competitiveness in obtaining funding, access to specialized energy related technical expertise and services, and assistance to strengthen local staff capacity; and
WHEREAS, in December 2012, the Albany City Council adopted Resolution No.2012-81, approving a joint exercise of powers agreement to create an Energy Council, administered by the Alameda County Waste Management Authority (ACWMA) and agreeing to become a member; and

WHEREAS, subsequent to the cities of Albany, Emeryville, Newark, and Union City adopting the joint exercise of powers agreement, other potential members of the proposed Energy Council raised issues concerning certain terms of the agreement; and

WHEREAS, the issues raised included establishing a weighted rather than one vote/one agency voting structure as well as slight changes in the terms relating to liability, insurance, and withdrawal notice as well as the effective date; and

WHEREAS, in response, the ACWMA Board decided to rescind the originally proposed Energy Council joint exercise of powers agreement and request that agencies interested in establishing and becoming members of the Energy Council adopt the newly proposed agreement; and

WHEREAS, staff believes that the changes in voting structure and other terms of the agreement are not a material detriment to the value of being part of a coordinated, countywide effort to address energy efficiency; and

WHEREAS, no debt, liability, or obligation or obligation of the Energy Council shall constitute a debt, liability or obligation of the City of Albany pursuant to Government Code section 6508.1 and the terms of the agreement; and

WHEREAS, therefore, staff recommends that the City of Albany approve the new proposed joint exercise powers agreement to create the Energy Council and agree to become a member;

NOW THEREFORE, BE IT RESOLVED, that the Albany City Council 1) Rescinds Resolution No.2012-81: Resolution of the Albany City Council Approving the Joint Exercise of Powers Agreement Creating the Energy Council and Agreeing to Become a Member of the Energy Council and 2) Approves the attached Joint Exercise of Powers Agreement for the Energy Council and authorizes and directs the City Manager to execute the agreement and agrees to become a member of the Energy Council under the terms of the new agreement.
RESOLUTION NO.  2013-9

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 18th day of March, 2013, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none


Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.