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**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

1 **WHEREAS**, in December 2012, the Albany City Council adopted Resolution  
2 No.2012-81, approving a joint exercise of powers agreement to create an Energy  
3 Council, administered by the Alameda County Waste Management Authority  
4 (ACWMA) and agreeing to become a member; and

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

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

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

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

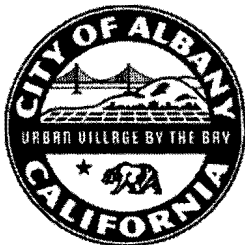
19 **WHEREAS**, no debt, liability, or obligation or obligation of the Energy Council  
20 shall constitute a debt, liability or obligation of the City of Albany pursuant to  
21 Government Code section 6508.1 and the terms of the agreement; and

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

25 **NOW THEREFORE, BE IT RESOLVED**, that the Albany City Council 1)  
26 Rescinds Resolution No.2012-81: Resolution of the Albany City Council  
27 Approving the Joint Exercise of Powers Agreement Creating the Energy Council  
28 and Agreeing to Become a Member of the Energy Council and 2) Approves the  
29 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.

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*Leagg Thomson*  
MAYOR



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

**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

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 19th

Day of March, 2013.

Eileen Harrington  
DEPUTY CITY CLERK