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RESOLUTION NO: _____

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION

WHEREAS, in the November 6, 2012 statewide general election, voters approved Proposition 39, which created the *California Clean Energy Jobs Act*, which provisions were further refined with the enactment of SB 73 (Stats. 2013, ch. 29) on June 27, 2013 and the enactment of SB 97 (Stats. 2013, ch. 357) on September 26, 2013; and

WHEREAS, Public Resources Code section 26235 directs the California Energy Commission to develop guidelines for a variety of elements of the *California Clean Energy Jobs Act*; and

WHEREAS, Public Resources Code section 26235 exempts the adoption of the Guidelines from Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code; and

WHEREAS, on December 19, 2013, after an extensive process of public input, the California Energy Commission adopted the *Proposition 39: California Clean Energy Jobs Act – 2013 Program Implementation Guidelines*, and made non-substantive revisions on April 20, 2014, and substantive changes on June 18, 2014 and December 10, 2014; and

WHEREAS, California Energy Commission staff has proposed changes to the *Proposition 39: California Clean Energy Jobs Act – 2016 Program Implementation Guidelines* in order to provide clarification language for better understanding, modify the savings to investment ratio (SIR), allow for an alternative electric rate for local educational agencies receiving a Federal government First Preference Federal power rate, change the zero net energy alternative for LEAs with school sites that are zero net energy, change one of the terms and conditions for Power Purchase Agreements, update funding appropriations to reflect fiscal year 2015/16 and fiscal year 2016/17, change the date the Energy Commission will report to the Citizens Oversight Board, revise description of when an energy audit is required, remove the ASHRAE level 2 energy audit requirement, add a legal reference regarding the repeal of Section 20133 of Chapter 1, Part 3, Division 2 of the Public Contract Code, clarify when and how local educational agencies report work progress, final project completion and energy savings after project completion, modify Appendix E to include added eligible energy measures, change the effective useful life in years for some eligible energy measures, and provide warranty clarifications to selected eligible energy measures; and

WHEREAS, staff posted these proposed changes on the California Energy Commission's Proposition 39 webpage on June 27, 2016 and updated them on July 7 to include the appropriation to the Clean Energy Job Creation Fund in this year's budget bill (Stats. 2016, ch.23, § 2); and

DRAFT

WHEREAS, the California Energy Commission finds that staff’s proposed changes improve the clarity of the *Proposition 39: California Clean Energy Jobs Act – 2016 Program Implementation Guidelines*; and

WHEREAS, California Energy Commission staff has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the Guidelines, concluded that adoption of the Guidelines is a “project” under CEQA, and docketed a draft Notice of Exemption stating that the adoption of the Guidelines is exempt from CEQA requirements pursuant to the “common sense” exemption (CEQA Guidelines, § 15061, subd. (b)(3)) because the effect of the Guidelines is to facilitate activities that will increase energy efficiency and clean energy generation, which does not have the potential for causing a significant effect on the environment, and further, that activities that will ultimately be funded by Proposition 39 funds fall within three categorical exemptions: repair, maintenance, or minor alteration of existing public structures pursuant to Title 14, California Code of Regulations, section 15301; replacement or reconstruction of existing facilities on the same site and for the same purpose pursuant to Title 14, California Code of Regulations, section 15302; and minor additions to existing schools pursuant to Title 14, California Code of Regulations, section 15314; and

WHEREAS, judicial review of this Resolution is governed by Public Resources Code, section 25901;

THEREFORE BE IT RESOLVED, the California Energy Commission hereby adopts the staff’s proposed changes to the *Proposition 39: California Clean Energy Jobs Act – 2016 Program Implementation Guidelines*, posted on the California Energy Commission’s Proposition 39 webpage on June 27, 2106, along with updated appropriation, and delegates the authority and directs Commission staff to take, on behalf of the Commission, all actions reasonably necessary to administer the *California Clean Energy Jobs Act* as specified in the *Proposition 39: California Clean Energy Jobs Act – 2016 Program Implementation Guidelines*, including but not limited to making any appropriate non-substantive, editorial-type changes to the Guidelines and/or any related documents, and preparing and filing all appropriate documents, such as the Notice of Exemption with the Office of Planning and Research.

IT IS SO ORDERED

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on June 8, 2016.

AYE:

NAY:

ABSENT:

ABSTAIN:

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Dated: _____, at Sacramento, California. _____

Cody Goldthrite

Secretariat

California Energy Commission