



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt resolution authorizing the City Manager to approve Supplement No. 4 to the Northern California Power Agency Joint Powers Agreement approving the Bay Area Rapid Transit District as a full member to NCPA (EUD)

**MEETING DATE:** October 19, 2005

**PREPARED BY:** Interim Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the City Manager to approve supplement number 4 to the Northern California Power Agency Joint Powers Agreement approving the Bay Area Rapid Transit District as a full member to NCPA.

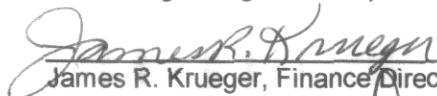
**BACKGROUND INFORMATION:** Northern California Power Agency (NCPA) was formed in 1968 for the purpose of utilizing the joint action of participating public power entities to pursue common interests for the benefit of all such members. The San Francisco Bay Area Rapid Transit District (BART) has been an Associate NCPA Member since July 31, 1997.

NCPA has been performing scheduling and related energy services for BART to assist BART with the matching of loads and resources pursuant to BART's supply contract with the Bonneville Power Administration (BPA) and transmission arrangements with PG&E. California Senate Bill No. 1201, approved by the Governor on September 21, 2004, provides BART, in part, the ability to receive electric power from municipal entities. BART's BPA supply contract terminates on June 30, 2006 and BART is seeking alternative to such supply including renewable and conventional generating resources and other supply arrangements with municipal entities, and BART may utilize NCPA services to assist in attaining such objective. BART also desires to explore the utilization of, and participation in, the NCPA Power Pool.

The NCPA Commission acting by and through its full participation in the NCPA JPA, approved the inclusion of BART as a full member and directed NCPA's General Manager to expeditiously implement BART's full NCPA membership request by submitting JPA Supplement No.4 to the Members for your approval.

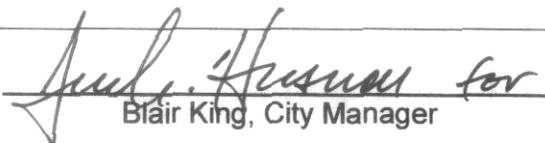
**FISCAL IMPACT:** There is no fiscal impact to Lodi Electric Utility associated with BART's membership in NCPA during the current fiscal year. In future years, should BART decide to join the NCPA pool, Lodi Electric's pooling related costs at NCPA would go down as the common costs of pooling would be spread amongst a larger base of participants.

**FUNDING:** No funding changes are required.

  
James R. Krueger, Finance Director

  
David Dockham  
Interim Electric Utility Director

DD/lst  
Attachments  
cc: City Attorney

APPROVED:   
Blair King, City Manager

**SUPPLEMENT NO. 4 TO  
NORTHERN CALIFORNIA POWER AGENCY  
JOINT POWERS AGREEMENT**

This Agreement dated \_\_\_\_\_, by and among the parties signatory to it (“Parties”),

**W I T N E S S E T H:**

WHEREAS, all of the Parties, except the San Francisco Bay Area Rapid Transit District (“BART”) are also parties to that Agreement first made the 19th day of July, 1968, and revised as of the first day of April 1973, as amended (“the Joint Powers Agreement”); and

WHEREAS, the Joint Powers Agreement created the Northern California Power Agency (“NCPA”) pursuant to Section 6500 *et seq.* of the Government Code of the State of California, of which all Parties except BART are members or associate members; and

WHEREAS, BART and each of the other Parties desire that BART shall become a party to the Joint Powers Agreement and a member of NCPA on the same basis as each of the other members; and

WHEREAS, BART is a rapid transit district formed pursuant to the provisions of the San Francisco Bay Area Rapid Transit Act, California Public Utilities Code section 28500 *et seq.* and a public agency of the State of California, is entitled to be a preference purchaser of electric service from the Central Valley Project of the United States, and has powers equivalent to those of the other members of NCPA so far as is relevant to the powers of NCPA.

NOW THEREFORE, the Parties, including BART, agree as follows:

**Section 1.** On and after the effective date of this Agreement, BART shall be a member of NCPA and a party to the Joint Powers Agreement, and shall have the same rights, powers, and privileges and immunities, duties, and obligations as any other member of NCPA.

**Section 2.** BART shall not be liable for any share of the organization, planning, or other costs of NCPA incurred prior to the effective date of this Agreement, and shall not by force of this Agreement become a party to any other agreement or instrumentality of NCPA entered into or created prior to the effective date of this Agreement, except with its consent and the consent of all other NCPA members and associate members who are parties to such agreement or instrumentality evidenced separately from this Agreement.

**Section 3.** This Agreement shall take effect on the first day of the calendar month following the complete execution of this Agreement by BART and all members and associate members of NCPA.

**Section 4.** This Agreement may be executed in counterparts by the Parties to it.

CITY OF ALAMEDA

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF HEALDSBURG

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF LODI

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF LOMPOC

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF PALO ALTO

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF REDDING

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF BIGGS

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF ROSEVILLE

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF SANTA CLARA

By \_\_\_\_\_

Date \_\_\_\_\_

TURLOCK IRRIGATION DISTRICT

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF UKIAH

By \_\_\_\_\_

Date \_\_\_\_\_

PLUMAS-SIERRA RURAL ELECTRIC  
COOPERATIVE

By \_\_\_\_\_

Date \_\_\_\_\_

CITY OF GRIDLEY

By \_\_\_\_\_

Date \_\_\_\_\_

PORT OF OAKLAND

By \_\_\_\_\_

Date \_\_\_\_\_

TRUCKEE DONNER PUBLIC UTILITY  
DISTRICT

By \_\_\_\_\_

Date \_\_\_\_\_

SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT

By \_\_\_\_\_

Date \_\_\_\_\_

RESOLUTION No. 05-08  
 RESOLUTION OF THE NORTHERN CALIFORNIA POWER AGENCY  
 APPROVING THE FULL MEMBERSHIP PARTICIPATION LEVEL OF  
 THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

WHEREAS, the Northern California Power Agency was formed in 1968 for the purpose of utilizing the joint action of participating public power entities to pursue common interests for the benefit of all such members;

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) has been an Associate NCPA Member since July 31, 1997

WHEREAS, NCPA has been performing scheduling and related energy services for BART to assist BART with the matching of loads and resources pursuant to BART's a supply contract with the Bonneville Power Administration (BPA) and transmission arrangements with PG&E;

WHEREAS, California Senate Bill No. 1201, approved by the Governor on September 21, 2004, provides BART, in part, the ability to receive electric power from municipal entities;

WHEREAS, BART's BPA supply contract terminates on June 30, 2006 and BART is seeking alternatives to such supply including renewable and conventional generating resources and other supply arrangements with municipal entities, and BART may utilize NCPA services to assist in attaining such objectives;

WHEREAS, BART, in assessing and implementing post BPA contract opportunities, desires to explore the utilization of, and participation in, the NCPA Power Pool; and

WHEREAS, by letter dated March 16, 2005, BART General Manager Thomas E. Margo requested that BART become a full member of the NCPA Joint Powers Agreement (JPA);

NOW, THEREFORE BE IT RESOLVED that the NCPA Commission acting by and through its full participants in the NCPA JPA, approves the inclusion of BART as a full member and directs the NCPA General Manager, or his designee, to expeditiously implement BART's full NCPA membership request by submitting JPA Supplement No. 4 to the Members for their approval.

PASSED AND ADOPTED this 26th day of May 2005, by the following vote on roll call:

	<u>Vote</u>	<u>Abstained</u>	<u>Absent</u>
Alameda	Y	_____	_____
Biggs	Y	_____	_____
Gridley	Y	_____	_____
Healdsburg	Y	_____	_____
Lodi	Y	_____	_____
Lompoc	Y	_____	_____
Palo Alto	Y	_____	_____
Plums-Sierra	_____	_____	X
Port of Oakland	Y	_____	_____
Redding	Y	_____	_____
Roseville	Y	_____	_____
Santa Clara	Y	_____	_____
Truckee Donner	_____	_____	X
Turlock	Y	_____	_____
Ukiah	Y	_____	_____

  
 BERN BEECHAM  
 CHAIRMAN

ATTEST:

  
 DENISE DOW  
 ASSISTANT SECRETARY

RESOLUTION NO. 2005-224

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
SUPPLEMENT NO. 4 TO THE NORTHERN CALIFORNIA POWER  
AGENCY (NCP) JOINT POWERS AGREEMENT APPROVING THE BAY  
AREA RAPID TRANSIT DISTRICT AS A FULL MEMBER TO NCPA

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves Supplement No. 4 to the Northern California Power Agency (NCPA) Joint Powers Agreement approving the Bay Area Rapid Transit District as a full member to NCPA; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute Supplement No. 4 on behalf of the City of Lodi.

Dated: October 19, 2005

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I hereby certify that Resolution No. 2005-224 was passed and adopted by the Lodi City Council in a regular meeting held October 19, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Mounce, and  
Mayor Beckman

NOES: COUNCIL MEMBERS – Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON  
City Clerk