

**TOWN OF CLINTON
RESOLUTION NO. 22 of 2021**

TITLE: Intent to continue the Town’s Community Choice Aggregation (CCA) program by continuing to offer electricity supply and incorporating opt-out community distributed generation

WHEREAS, the Town of Clinton, Dutchess County (“**the Municipality**”) wishes to maintain control of sourcing their electricity supply, reduce electricity costs, access 100% renewable sources of electricity and catalyze the development of renewable power plants in New York; and

WHEREAS, on February 14, 2019 the Municipality enacted Local No. 1 of 2019, “Community Choice Aggregation Program”, enabling a Community Choice Aggregation Program; and

WHEREAS, on February 14, 2019, the Municipality engaged the services of Joule Assets, Inc. (“**Joule**”) as CCA Program Administrator for the Municipal Program; and

WHEREAS, the Municipality entered into an Electricity Supply Agreement to provide 100% renewable electricity supply to eligible residents and small businesses who did not opt-out from July 1, 2019 through June 30, 2021; and

WHEREAS, the Municipality intends to continue the CCA Program and access additional benefits for eligible residents and small businesses by continuing to offer electricity supply and in addition incorporating an Opt-out Community Distributed Generation (“**Opt-out CDG**”) offering; and

WHEREAS, Opt-out CDG offers guaranteed savings on electricity bills and supports the local development of solar projects through an agreement with a CDG project developer/owner (“**CDG Sponsor**”); and

WHEREAS, a CCA Program incorporating electricity supply and Opt-out CDG will maximize the financial and environmental benefits to participating residents and small businesses; and

WHEREAS, the Municipality seeks to obtain competitive bids from electricity suppliers (each a “**Supplier**”) pursuant to a request for proposal (the “**Supply RFP**”), that is intended to result in a three-party Electricity Supply Agreement between the selected Supplier, the Municipality and Joule that, among other things, will govern the terms of provision of the electricity supply by Supplier for the Municipal Program; and

WHEREAS, the Electricity Supply Agreement (in the form attached hereto), has been reviewed and approved for form by the Municipality Counsel, and has been deemed to provide benefits, adequate protections, and minimize risk to the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes Joule to issue a Supply RFP consistent with the provisions of this Resolution, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and term parameters, and Supplier's acceptance of all material terms of the Electricity Supply Agreement; and

BE IT FURTHER RESOLVED, that the Town Board approves the Electricity Supply Agreement in substantially the form attached to this Resolution as Exhibit A, such form to be included in the Supply RFP; and

BE IT FURTHER RESOLVED, that Joule in its role as Administrator for the CCA Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Municipality; provided however, that the Municipality will, through the Supervisor, make the final award decision; and

BE IT FURTHER RESOLVED, that subject to the conditions that the awarded Supplier has been prequalified as required by Joule and that the awarded bid meets the specifications established in the Supply RFP, the Supervisor is authorized to execute an Electricity Supply Agreement on behalf of the Municipality in substantially the form attached hereto with the awarded Supplier and Joule in a timely fashion; provided, however, that the Municipality is under no obligation to award the Supply RFP for any bid that fails to meet the specifications established in the Supply RFP. In addition, the Municipality is under no obligation to award the Supply RFP if any of the conditions of the CCA Administration Agreement shall not be met.

BE IT FURTHER RESOLVED, that the Municipality authorizes Joule to prepare or include the Municipality in an Opt-out CDG Implementation Plan for submission to and approval from the New York State Department of Public Service; and

BE IT FURTHER RESOLVED, that the Municipality authorizes Joule to enter into negotiations on Municipality's behalf, with Utility and CDG Sponsor(s) for incorporation of Opt-out CDG into existing CCA Program; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to enter into any agreements on behalf of the Municipality in relations to Opt-out CDG consistent with this resolution in the Supervisor's reasonable discretion.

Dated: The 13 day of April, 2021

ROLL CALL VOTE:

Oberly AYE

Cunningham AYE

Juliano AYE

Dean Michael AYE

Whitton AYE

Motion carried.

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin, Town Clerk