

RESOLUTION 2018-11

**A RESOLUTION OF THE BOARD OF DIRECTORS OF MARIN CLEAN ENERGY
MARIN CLEAN ENERGY AFFIRMING MCE'S COMMITMENT TO COMPLYING WITH
THE LAND USE AUTHORITIES OF ITS MEMBER COMMUNITIES**

WHEREAS, Marin Clean Energy (MCE) is a joint powers authority established on December 19, 2008, and organized under the Joint Exercise of Powers Act (Government Code Section 6500 et seq.); and

WHEREAS, MCE members include the following communities: the County of Marin, the County of Contra Costa, the County of Napa, the City of American Canyon, the City of Belvedere, the City of Benicia, the City of Calistoga, the City of Concord, the Town of Corte Madera, the Town of Danville, the City of El Cerrito, the Town of Fairfax, the City of Lafayette, the City of Larkspur, the City of Martinez, the City of Mill Valley, the Town of Moraga, the City of Napa, the City of Novato, the City of Oakley, the City of Pinole, the City of Pittsburg, the City of San Ramon, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Pablo, the City of San Rafael, the City of Sausalito, the City of St. Helena, the Town of Tiburon, the City of Walnut Creek, and the Town of Yountville; and

WHEREAS, MCE is required to comply with all local zoning and building laws of a member community under MCE JPA Section 2.7 which states: "Notwithstanding any other provisions of this Agreement or state law, any facilities, buildings or structures located, constructed or caused to be constructed by the Authority within the territory of MCE shall comply with the General Plan, zoning and building laws of the local jurisdiction within which the facilities, buildings or structures are constructed"; and

WHEREAS, Section 2.5 and Section 2.5.4 of MCE's Joint Powers Agreement states that MCE shall have all powers common to the Member Communities and such additional powers accorded to it by law and MCE is authorized, in its own name, to exercise all powers and do all acts necessary and proper to carry out the provisions of this Agreement and fulfill its purposes, including, but not limited to, "acquir[ing] by eminent domain, or otherwise, except as limited under Section 6508 of the Act, and to hold or dispose of any property"; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of the MCE Board of Directors, that as a policy matter, MCE shall as a general rule not initiate or exercise its power of eminent domain within the jurisdiction of any MCE member community, without the support and approval of the governing board of that MCE member; and that MCE shall otherwise comply with the land use entitlement and design review approval processes of the local jurisdiction in which any MCE projects or facilities are to be constructed.

PASSED AND ADOPTED at a regular meeting of the MCE Board of Directors on this 18th day of October, 2018, by the following vote:

APPROVED

OCT 18 2018

RENEWABLE ENERGY

	AYES	NOES	ABSTAIN	ABSENT
County of Marin	✓			
Contra Costa County				✓
County of Napa				✓
City of American Canyon				✓
City of Belvedere	✓			
City of Benicia	✓			
City of Calistoga				✓
City of Concord	✓			
Town of Corte Madera	✓			
Town of Danville				✓
City of El Cerrito	✓			
Town of Fairfax	✓			
City of Lafayette	✓			
City of Larkspur	✓			
City of Martinez				✓
City of Mill Valley				✓
Town of Moraga	✓			
City of Napa				✓
City of Novato				✓
City of Oakley				✓
City of Pinole	✓			
City of Pittsburg				✓
City of San Ramon				✓
City of Richmond	✓			
Town of Ross	✓			
Town of San Anselmo	✓			
City of San Pablo				✓
City of San Rafael	✓			
City of Sausalito	✓			
City of St. Helena				✓
Town of Tiburon				✓
City of Walnut Creek	✓			
Town of Yountville				✓

Fate Sears

CHAIR, MCE

Attest:

Don DeJoy

SECRETARY, MCE