

**2021 RESOLUTION NO. 30-2021-** Establishing Intent to Continue Community Choice Aggregation Program, and Incorporating Opt-Out Community Distributed Generation. Motion to approve made by Councilmember Aliperti, second by Councilmember Palmieri. Approved with a vote 4 to 1 councilmember Dunham voted no.

**TOWN OF GENEVA, NEW YORK  
RESOLUTION OF THE TOWN BOARD  
RESOLUTION NO. 30 -2021**

WHEREAS the Town of Geneva wishes to maintain control of sourcing 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 August 8, 2017 the Town of Geneva enacted Local No. 2 of 2017, "To Establish a Community Choice Aggregation Program in the Town of Geneva", enabling a Community Choice Aggregation Program (CCA); and

WHEREAS on September 12, 2017, the Town engaged the services of Joule Assets, Inc. ("**Joule**") as CCA Program Administrator for the Municipal Program; and

WHEREAS the Town 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 July 1, 2021; and

WHEREAS the Town 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 Town 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 Town 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 Town Attorney, and has been deemed to provide benefits, adequate protections, and minimize risk to the Town; 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 Town; provided however, that the Town 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 Town in substantially the form attached hereto with the awarded Supplier and Joule in a timely fashion; provided, however, that the Town is under no obligation to award the Supply RFP for any bid that fails to meet the specifications established in the Supply RFP, and the Town is under no obligation to award the Supply RFP if any of the conditions of the CCA Administration Agreement are not met; and be it further

RESOLVED that the Town authorizes Joule to prepare and include the Town of Geneva 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 Town authorizes Joule to enter into negotiations on the Town's behalf with Utility and CDG Sponsor(s) for incorporation of Opt-out CDG into the existing CCA Program; and be it further

RESOLVED that the Supervisor is authorized to enter into agreements on behalf of the Town in relation to Opt-out CDG consistent with this resolution.

I, Lorrie S. Naegele, Town Clerk of the Town of Geneva do hereby certify that the aforementioned resolution was adopted by the Town Board of the Town of Geneva on March 9, 2021. Approved with a vote 4 to 1 councilmember Dunham voted no..

Date: March 9, 2021

Lorrie S. Naegele  
Lorrie S. Naegele, Town Clerk