

**AN ORDINANCE OF THE CITY OF NEW BRUNSWICK, NEW JERSEY
AUTHORIZING THE ESTABLISHMENT OF
A GOVERNMENT ENERGY AGGREGATION PROGRAM THAT
PHASES IN 100% PREFERABLY REGIONALLY SOURCED
RENEWABLES BY 2035**

WHEREAS, there is broad scientific consensus that Earth's climate is warming and this warming is being caused by human activities that cause the release of greenhouse gases due to use of fossil fuels; and

WHEREAS, climate change has far reaching impacts, including increasing likelihood of extreme weather events, sea level rise, flooding, drought, and mass extinctions; and

WHEREAS, co-pollutants from burning fossil fuels create significant respiratory ailments and deaths; and

WHEREAS, the impact of climate change can cause damage to public parks, roads, municipal properties, and equipment; and

WHEREAS, the cost of providing basic public services such as water treatment and snow removal can increase with climate change; and

WHEREAS, resources for first responders can be strained when climate change related extreme weather events arise; and

WHEREAS, it is less expensive to plan for and mitigate the impacts of climate change, rather than respond to emergencies when they happen; and

WHEREAS, many of the costs associated with the impacts of climate change or mitigating those impacts will be borne by state and local budgets, putting further strain on overstressed budgets; and

WHEREAS, studies show the feasibility of creating an energy system that is 100% renewable energy, while creating jobs and improving public health; and

WHEREAS, many municipalities currently lack the professional expertise and resources to mitigate climate change; and

WHEREAS, the United States was signatory to the Paris agreement that is working to strengthen the global response to the threat of climate change; and

WHEREAS, the City Council ("City Council") and the Mayor ("Mayor") of the City of New Brunswick ("City") are interested in mandating a transition to 100% renewable electricity by 2035; and

WHEREAS, PJM Interconnection (PJM) is a regional transmission organization that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia, and renewable electricity created outside of the PJM grid cannot be directly utilized by residents of New Brunswick; and

WHEREAS, prioritizing generation of renewable electricity in the region served by the PJM grid will help improve local air quality, improve public health impacts, and decrease costs; and

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the City seeks to establish a Government Energy Aggregation Program ("Program") for the provision of electricity within the City, for the purpose of obtaining power supply cost savings for residential and business participants in the City; and

WHEREAS, the City will from time to time solicit proposals from electric power suppliers for electric generation services through the Program, in which the City and its authorized personnel will be lead agents in administering the New Brunswick Community Energy Aggregation ("NBCEA").

WHEREAS, the City will from time to time issue one or more Requests for Proposals for electric generation services and energy aggregation services on behalf of the NBCEA pursuant to the Local Public Contract Law, the Government Energy Aggregation Act, and the Electric Discount and Energy Competition Act; and

WHEREAS, the City is interested that the energy provided by NBCEA entirely come from renewable energy sources as soon as practicable, and the NBCEA will therefore include provisions requiring the inclusion of renewable energy in the Request for Proposals for electric generation services and energy aggregation services; and

WHEREAS, the City will only award contracts for said electric generation services and energy aggregation services to electric power suppliers that are deemed qualified under state law; and

WHEREAS, state regulations at N.J.A.C. § 14:4-6.9 govern rates for services provided to residential and non-residential customers under a government-private energy aggregation program, including when the electricity provided to residential customers is from a percentage of renewable energy exceeding the applicable percentage required under the state's renewable portfolio standards at N.J.A.C. 14:8-2; and

WHEREAS, N.J.S.A. 48:3-93.1 et seq., requires the Program to be established by ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK:

SECTION I

The City of New Brunswick ("City") hereby establishes a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., and the rules promulgated thereunder, N.J.A.C. 14:4-6.1 et seq. Title 13 of the New Brunswick Municipal City Code, "Public Services," is amended to add a new Chapter, 13.12, titled "New Brunswick Community Energy Aggregation Program."

SECTION II

The City's program may be referred to as the New Brunswick Community Energy Aggregation ("NBCEA"). The City shall be the lead agency and any agreements entered into in connection with the Program by authorized personnel shall be subject to review by the City.

SECTION III

The Mayor of the City of New Brunswick ("Mayor") shall be and is authorized to execute and the Clerk to attest to the execution of and Electric Distribution Aggregation Agreement, in a form acceptable to the City and the utility serving the City, which is PSE&G at the time of the ordinance's passage.

SECTION IV

Pursuant to the terms and conditions of the Government Energy Aggregation Act and the rules promulgated thereunder, and specifically N.J.A.C. 14:4-6.2, the City shall oversee the NBCEA as lead agency and, in that capacity, and consistent with applicable rules, shall solicit one or more requests for proposals for electric generation services and energy aggregation services on behalf of City's residents and businesses. The Mayor may execute and enter into a contract for such services, subject to Sections V and VI and provided that the lowest qualified bid price for electricity generation service is consistent with N.J.A.C. § 14:4-6.9 and notice is provided to residential customers should the price exceed the benchmark price, as required by N.J.A.C. § 14:4-6.9(g). Pursuant to the regulations of the Government Energy Aggregation Act, a public notice of the NBCEA program will be issued whereby non-residential energy consumers may opt into the NBCEA program, and residential customers may opt out.

SECTION V

Any requests for proposals for electricity generating services must state that no contract will be awarded unless that electricity contain renewable electricity of at least 30% by 2020, 50% by 2024, 80% by 2028, 90% by 2032, and 100% by 2035, and the renewable electricity attributes should be sourced from within the region currently served by PJM to the maximum extent possible. The Mayor may not execute and enter into a contract for electricity generating services unless it meets the renewable percentages specified in this section.

SECTION VI

The Mayor may also execute a master performance agreement that obligates the participants in the NBCEA to purchase electricity at terms and conditions stated therein with a third-party supplier who has been awarded the contract by City on behalf of participating members of the NBCEA, and provided that such contract shall be at prices reasonably forecast and estimated by the City to provide for basic

generation service by the utility serving the City, which is PSE&G at the time of the ordinance's passage.

SECTION VII

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION VIII

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

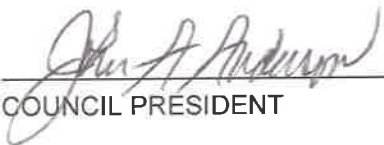
INTRODUCED BY PETITION ON FIRST READING:

DATED: AUGUST 1, 2018

N/A
COUNCIL PRESIDENT

ADOPTED ON SECOND READING:

DATED AUGUST 15, 2018



COUNCIL PRESIDENT

ATTEST:



CITY CLERK

APPROVAL OF THE MAYOR ON THIS 16 [↑] DAY OF AUGUST, 2018.

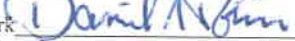


MAYOR

TKS/kc

Councilmember	Yes	No	No Vote	Absent
John Anderson, V. Pres	X			
Kevin. Egan M	X			
Rebecca Escobar	X			
Suzanne Sicora Ludwig S	X			
Glenn Fleming, Pres				X

M=Moved S=Second
Second & Final Reading Vote on August 15, 2018
I, Daniel A. Torrasi, City Clerk of the City of New Brunswick, N.J., do hereby certify that this is a true and correct copy of an ordinance adopted on second and final reading at the regular meeting of the New Brunswick City Council on: August 15, 2018

Daniel A. Torrasi, City Clerk 
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