ORDINANCE NUMBER O- 21133 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 08 2019

ITEM # 51
10/01/19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM.

WHEREAS, Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; the "Act"), added statutes to the Public Utilities Code authorizing local governmental bodies to individually or jointly provide retail electric commodity service to an aggregation of customers within their jurisdictions, a service known as Community Choice Aggregation (CCA); and

WHEREAS, the City of San Diego (City) adopted a Climate Action Plan in December 2015 which contains a goal for 100 percent of electricity used in the City to be generated from renewable fuel sources by 2035; and

WHEREAS, since 2016 the City has been actively investigating the feasibility of commencing CCA service for electric customers within the City, with the objective of making greater renewable electric portfolio content available to customers, providing greater local involvement over the provision of electric commodity services, and promoting competitive commodity rates; and

WHEREAS, the City completed a CCA Feasibility Study which determined that a CCA program could result in local benefits including the use of renewable energy at levels above the State Renewables Portfolio Standard, the provision of competitive rates to consumers, and economic opportunity in the City; and

WHEREAS, pursuant to Sections 331.1(b) and 366.2 of the Act, two or more entities authorized to be a community choice aggregator may participate jointly in a CCA program

through a Joint Powers Authority established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if each entity adopts the ordinance required by Public Utilities Section 366.2; and

WHEREAS, by Resolution No. R-312232 on March 7, 2019 the City Council expressed its objective to become a CCA provider through a regional program administered by a Joint Powers Authority; and

WHEREAS, the City wishes to implement a CCA program at this time through a Joint Powers Authority together with other Founding Member local governments which will be called the San Diego Regional Community Choice Energy Authority (SDRCCEA); and

WHEREAS, under Public Utilities Code section 366.2, customers have the right to opt out of the CCA program and continue to receive bundled electric commodity service from the incumbent utility; and

WHEREAS, Public Utilities Code section 366.2(c)(12) provides that an entity which elects to implement a CCA program within its jurisdiction must do so by ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the recitals set forth above are true and correct and are incorporated as though fully set forth herein.

Section 2. Based upon the findings and declarations set forth in this ordinance, and to provide businesses and residents within the jurisdictional boundaries of the City with a choice of electric commodity providers and with the benefits described in the recitals above, the City Council hereby elects pursuant to Public Utilities Code section 366.2(c)(12) to implement a CCA program within the jurisdiction of the City of San Diego by participating in the CCA program of

the SDRCCEA, under the terms and conditions provided in its Joint Powers Agreement, on file with the Office of the City Clerk as Document No. RR- 312666.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Frederick M. Ortlieb
Deputy City Attorney

FMO:als
09/10/2019
Or.Dept: Sustainability Dept.
Doc. No.: 2108139

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 01 2019.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: 10/8/19 _____
(date)

_____
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

_____
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 01 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☒	☐	☐	☐
Jennifer Campbell	☒	☐	☐	☐
Chris Ward	☒	☐	☐	☐
Monica Montgomery	☒	☐	☐	☐
Mark Kersey	☒	☐	☐	☐
Chris Cate	☐	☒	☐	☐
Scott Sherman	☐	☐	☒	☐
Vivian Moreno	☒	☐	☐	☐
Georgette Gómez	☒	☐	☐	☐

Date of final passage OCT 08 2019.

AUTHENTICATED BY: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on SEP 17 2019, and on OCT 08 2019.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By _____, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21133