

# *Memo*

To: Mayor and City Council

From: Sher Marie Spediacci, City Clerk

Date: City Council Meeting of February 18, 2016

Re: Adoption of Ordinance No. 605, authorizing the implementation of a Community Choice Aggregation Program

The attached Ordinance was introduced at the City Council meeting of February 4, 2016. There were no changes made at that time. It is on this agenda for consideration of adoption.

## ORDINANCE NO. 605

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRISBANE AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

The City Council of the City of Brisbane, State of California, ordains as follows:

**SECTION 1. FINDINGS.** The City Council of the City of Brisbane has investigated options to provide electric services to customers within the County, including incorporated and unincorporated areas, with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of clean, local, renewable energy projects, reduced greenhouse gas emissions, and the wider implementation of energy conservation and efficiency projects and programs; and hereby finds and declares as follows:

**WHEREAS**, the County of San Mateo prepared a Feasibility Study for a community choice aggregation (“CCA”) program in San Mateo County with the cooperation of the cities in the County under the provisions of the Public Utilities Code section 366.2. The Feasibility Study shows that implementing a community choice aggregation program would provide multiple benefits, including:

- Providing customers a choice of power providers;
- Increasing local control and involvement in and collaboration on energy rates and other energy-related matters;
- Providing more stable long-term electric rates that are competitive with those provided by the incumbent utility;
- Reducing greenhouse gas emissions arising from electricity use within San Mateo County;
- Increasing local renewable generation capacity;
- Increasing energy conservation and efficiency projects and programs;
- Increasing regional energy self-sufficiency;
- Improving the local economy resulting from the implementation of local renewable and energy conservation and efficiency projects; and

**WHEREAS**, the County of San Mateo Board of Supervisors has directed staff to bring for its approval a Joint Powers Agreement creating the Peninsula Clean Energy Authority (“Authority”). Under the Joint Powers Agreement, cities and towns within San Mateo County may participate in the Peninsula Clean Energy CCA program by adopting the resolution and ordinance required by Public Utilities Code section 366.2. Cities and towns choosing to participate in the CCA program will have membership on the Board of Directors of the Authority as provided in the Joint Powers Agreement; and

**WHEREAS**, the Authority will enter into Agreements with electric power suppliers and other service providers, and based upon those Agreements the Authority will be able to provide power to residents and business at rates that are competitive with those of the incumbent utility (“PG&E”). Once the California Public Utilities Commission approves the implementation plan

created by the Authority, the Authority will provide service to customers within the unincorporated area of San Mateo County and within the jurisdiction of those cities who have chosen to participate in the CCA program; and

**WHEREAS**, under Public Utilities Code section 366.2, customers have the right to opt-out of a CCA program and continue to receive service from the incumbent utility. Customers who wish to continue to receive service from the incumbent utility will be able to do so; and

**WHEREAS**, on February 4, 2016, the City Council held a noticed public meeting at which time interested persons had an opportunity to testify either in support or opposition to implementation of the Peninsula Clean Energy CCA program in the City.

**WHEREAS**, this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a “project” as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal. Code Regs. § 15378(a)). Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308). The Director of Community Development shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

Now, therefore, the City Council of the City of Brisbane does ordain as follows:

**SECTION 1.** The above recitations are true and correct and material to this Ordinance.

**SECTION 2.** Authorization to Implement a Community Choice Aggregation Program.

Based upon the forgoing, and in order to provide business and residents within the City of Brisbane with a choice of power providers and with the benefits described above, the City Council of the City of Brisbane ordains that it shall implement a community choice aggregation program within its jurisdiction by participating as a group with the County of San Mateo and other cities and towns as described above in the Community Choice Aggregation program of the Peninsula Clean Energy Authority, as generally described in the Joint Powers Agreement.

**SECTION 3.** This Ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

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Cliff Lentz, Mayor, City of Brisbane

This Ordinance was introduced by the City Council on February 4, 2016 and on and was adopted on February 18, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

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Sheri Marie Spediacci, City Clerk, City of Brisbane