

ORDINANCE NO. 1654 (2018 SERIES)

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM

WHEREAS, on December 12, 2017, the City Council directed staff to investigate the feasibility and formation of a Community Choice Aggregation (CCA) program under the provisions of the Public Utilities Code Section 366.2 (referred to locally as Central Coast Community Energy, or CCCE) in order to provide electric service to customers within the City of San Luis Obispo and the San Luis Obispo region with the intent of achieving reduced greenhouse gas emissions, local renewable power development, competitive electric rates, and the implementation of energy conservation and other energy programs; and

WHEREAS, the City of San Luis Obispo commissioned a technical study showing that a CCA program serving the City and surrounding communities would provide several benefits, including:

- Providing customers, a choice of power providers and power supply options;
- Increasing local control and involvement in energy rates and other energy-related matters;
- Providing stable electric rates that are competitive with those provided by the incumbent utility;
- Reducing greenhouse gas emissions arising from electricity use within the City and surrounding region;
- 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 a CCA program and local renewable and energy efficiency projects over time; and

WHEREAS, the Cities of San Luis Obispo and Morro Bay, formed a Joint Powers Agency creating Central Coast Community Energy (“CCCE.”) Under the Joint Powers Agreement, cities and towns within San Luis Obispo County and adjoining Counties as well as County governments may participate in the Central Coast Community Energy CCA program by adopting the JPA resolution and ordinance required by Public Utilities Code section 366.2. Public entities choosing to participate in the CCA program will have membership on the Board of Directors of CCCE as provided in the Joint Powers Agreement; and

WHEREAS, CCCE will enter into Agreements with electric power suppliers and other service providers, and based upon those Agreements CCCE will be able to provide power to residents and businesses at rates that are competitive with those of the incumbent utility (“PG&E”). Once the California Public Utilities Commission certifies the Implementation Plan adopted by CCCE, CCCE will provide service to customers within the City of San Luis Obispo and the jurisdictions of those cities and counties that have chosen to participate in CCCE; 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 receive service from the incumbent utility will be able to do so at any time; and

WHEREAS, on September 18 and October 2, the City Council held public hearings on the topic of CCA at which time interested persons had an opportunity to testify either in support of or opposition to the implementation of a CCA program serving the City of San Luis Obispo.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo 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 businesses and residents within the City of San Luis Obispo with a choice of power providers and with the benefits described above, the City Council hereby elects to implement a community choice aggregation program within the jurisdiction of the City by participating as a group in the Community Choice Aggregation Program of Central Coast Community Energy, as generally described in its Joint Powers Agreement.

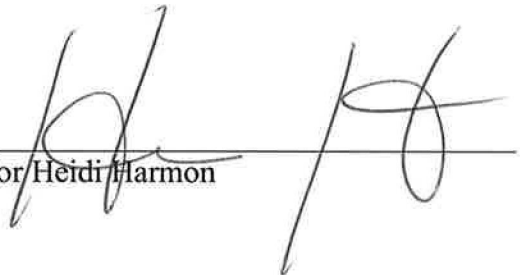
SECTION 3. Environmental Review. ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a “project” as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 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).

SECTION 4. Severability. If any section, sub-section, sentence, clause, or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

SECTION 5. A summary of this Ordinance, together with the names of the Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The Tribune, a newspaper published and circulated in this City. This Ordinance shall be adopted as an un-codified ordinance and shall be in full force and effective 30 days after its adoption.


INTRODUCED on the 18th day of September 2018, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the 2nd day of October 2018, on the following vote:

AYES: Council Members Gomez, Pease and Rivoire,
Vice Mayor Christianson and Mayor Harmon
NOES: None
ABSENT: None



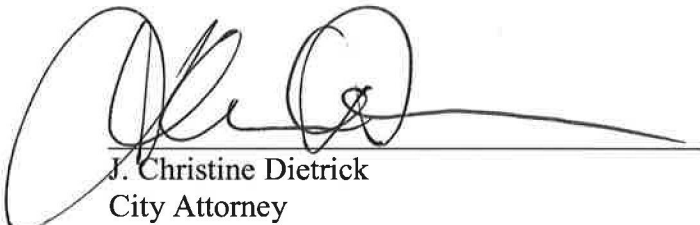
Mayor Heidi Harmon

ATTEST:



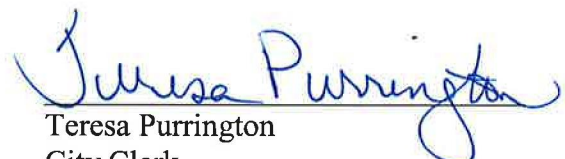
Teresa Purrington
City Clerk

APPROVED AS TO FORM:



J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, this 8TH day of October, 2018.



Teresa Purrington
City Clerk