

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM**

The Board of Supervisors of the County of San Mateo, State of California,
ORDAINS as follows:

SECTION 1. FINDINGS. The Board of Supervisors of the County of San Mateo 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 has prepared a Feasibility Study for a community choice aggregation (“CCA”) program in San Mateo 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 approved a Joint Powers Agreement creating the Peninsula Clean Energy Authority (“Authority”). Under the Joint Powers Agreements, 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 Agreements; 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 October 6, 2015 and October 20, 2015, the Board of Supervisors of San Mateo County held public hearings 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 unincorporated area of San Mateo County.

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 Office of Sustainability shall cause a Notice of Exemption to be filed as authorized by CEQA and the CEQA guidelines.

NOW, THEREFORE, LET IT BE RESOLVED the County of San Mateo Board of Supervisors 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 unincorporated area of San Mateo County with a choice of power providers and with the benefits described above, the County of San Mateo Board of Supervisors ordains that it shall implement a community choice aggregation program within the jurisdiction of the unincorporated area of San Mateo County by participating as a group with 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 Agreements.

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.

This Ordinance was introduced by the San Mateo County Board of Supervisors on October 20, 2015, and was adopted on November 3, 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dated: _____

COUNTY OF SAN MATEO

ATTEST:

APPROVED AS TO FORM:

County Counsel