

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

DRAFT

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION URGING THE CALIFORNIA LEGISLATURE TO AMEND THE STATE LAW GOVERNING THE DEREGULATION OF THE ELECTRIC POWER INDUSTRY

WHEREAS, the state's electric deregulation law, Chapter 854 of 1996, came into effect on January 1, 1998; and

WHEREAS, electricity choice has not followed the deregulation of the state's electric industry, with less than one (1) percent of Californian residents and businesses participating in or benefiting as consumers from the deregulated electricity marketplace more than a year after deregulation officially went into effect; and

WHEREAS, residents and the vast majority of businesses in the City of Oakland will not enjoy a meaningful choice of electricity service unless they are organized in aggregate to pool their electricity demand as a large volume buyer; and

WHEREAS, the citizens of the City of Oakland may best be able to influence the price, terms and conditions of electricity sold within its boundaries if the City of Oakland is able to play a role as an aggregator of electric consumers within its jurisdiction; and

WHEREAS, Section 366(b) of Chapter 854 of 1996 deregulating California's electricity industry prohibits any local government, even upon a majority vote of its citizens, city council, or board of supervisors, from automatically aggregating residents and businesses who do not select an alternative power supplier to Pacific Gas and Electric Company; and

WHEREAS, The City of Oakland has a direct interest in the proliferation of energy efficiency and renewable energy technology within its communities for purposes of job creation and environmental protection; and

WHEREAS, as an aggregated purchaser of electricity and marketplace participant, the City of Oakland could award points or condition its contracts for electricity with requirements for renewable energy, conservation, anti-discrimination, local and first-source hiring to move residents from welfare to work; and

WHEREAS, the Commonwealth of Massachusetts and the State of Ohio have recently passed legislation for effective local government aggregation of electricity consumers, while ensuring that any customer who wishes to select his or her own electric supplier be allowed to opt-out of the community aggregation program, a process known as "Community Choice," now, therefore, be it

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800-245-7831

preparation of request for proposals; and respond to inquiries.

Changes to electricity prices may also affect revenue from the City's utility user tax and energy costs for municipal facilities. Revenue sources to offset these impacts include, but are not limited to, the City budget, franchise fees, and utility user taxes. Additional analysis needs to be done to identify the full fiscal impact.

BACKGROUND

Local governments in most states have traditional powers to protect consumers and to assure equitable and beneficial service from utilities. These powers derive from traditional home rule authority as well as specific provisions in state law, state constitutions, and local ordinances.

Item E
PUBLIC WORKS CMTE
10-19-99

DRAFT

RESOLVED, that the City of Oakland requests the California Legislature to amend the States's electric deregulation law, Chapter 854 of 1996, Sections 366(a) and (b), as well as any other applicable sections, to authorize Oakland and any other California Municipal Corporation, upon a majority vote of its governing body or registered voters, to designate itself as the automatic community aggregator of electricity on behalf of its residents and businesses, such that residents and businesses shall be automatically included in the jurisdiction's aggregated electricity buyers' group, unless exercising a choice for the existing electrical corporation or another provider.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19_____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

Item E
PUBLIC WORKS CMTE
10-19-99

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

TO: Office of the City Manager
ATTN: Robert C. Bobb
FROM: Public Works Agency
DATE: October 19, 1999

RE: RESOLUTION URGING THE CALIFORNIA LEGISLATURE TO AMEND THE STATE LAW GOVERNING THE DEGREGLATION OF THE ELECTRIC POWER INDUSTRY

SUMMARY

A resolution has been prepared calling for changes in California law to enable municipalities to enter into electric power supply contracts on behalf of most residents and businesses (Community Choice) in order to create a marketplace with more competition and options. By passing this resolution, Oakland would join a growing coalition of California cities seeking reform of California's electric deregulation supply law. The proposed revisions to the State law would continue to allow individual residents and businesses to select their own electricity power supplier.

Staff recommends approval of the resolution that will help to achieve the Mayor and City Council Priority Objective #2 to support the long-range sustainable economic plan of the City.

FISCAL IMPACTS

If the State makes the changes proposed in the resolution, and the City chooses to select an electricity provider for the community or by referendum the voters decide to have the City select an electricity provider, expenses will be incurred to administer the process. Costs may also be incurred to hire an Administrative Analyst (one FTE - \$74,000) to oversee Community Choice activities; assist customers having problems with the service provider; monitor the provider's compliance with contractual, environmental and regulatory requirements; assist in the preparation of request for proposals; and respond to inquiries.

Changes to electricity prices may also affect revenue from the City's utility user tax and energy costs for municipal facilities. Revenue sources to offset these impacts include, but are not limited to, the City budget, franchise fees, and utility user taxes. Additional analysis needs to be done to identify the full fiscal impact.

BACKGROUND

Local governments in most states have traditional powers to protect consumers and to assure equitable and beneficial service from utilities. These powers derive from traditional home rule authority as well as specific provisions in state law, state constitutions, and local ordinances.

Item E
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10-19-99

In 1996, California's electric power industry was deregulated with the passage of AB 1890, which took effect on January 1, 1998. Although AB 1890 allowed consumers to individually select electric power providers, the law forces new competitors to sign up customers one at a time, a costly process that is economically infeasible. The incumbent utilities were mandated as default electricity providers, yielding a large, automatic client base that favorably affects their expenses and pricing. Consumers must research and select their electricity provider one at a time. Suppliers typically face high costs for advertising to acquire new customers. Municipalities are currently prohibited from aggregating consumers as an alternative to this cumbersome selection process. Also, some energy service providers are required to pay suppliers in advance, creating constricting cash flow problems.

In an effort by local communities to make their own energy choices, cities and towns across the United States are organizing to protect their communities by asserting local control through public aggregation, community electricity franchising, municipalization, and other strategies. Advocates for AB 1890 promised that deregulation would result in a competitive and consumer responsive electricity market. But, a year after deregulation, less than 1% of California customers are receiving benefits of the deregulated market by using an alternative supplier. This means that a disproportionate share of the marketplace has remained with the default electricity providers. Many potential competitors have dropped out of the marketplace because of AB1890's inherent bias toward the incumbent utilities.

Massachusetts and Ohio have Community Choice provisions in their electric power regulations. The Cape Light Compact, a Massachusetts consortium of 20 towns and representing about 180,000 customers, has received bids for their power contract that are lower than the state's "standard offer". Several California cities are exploring the benefits of Community Choice. Staff from Oakland, San Jose, San Francisco and Berkeley have held preliminary discussions on the subject. At a recent meeting, the participants agreed that adoption of this resolution would be a significant step toward creating a demand for adoption of "Community Choice" legislation.

Berkeley and San Francisco have passed a resolution on Community Choice similar to the one being proposed for Oakland.

KEY ISSUES AND IMPACTS

Collaborating municipalities can form large consumer blocks that can wield market power to secure the best electricity prices for residents and businesses and enable communities to make high-impact decisions regarding renewable energy. California's Electric Deregulation law currently prevents municipal aggregation and requires consumers to actively choose, or "opt in", to a contract with an alternate energy supplier. The proposed resolution calls for changes to allow municipalities to aggregate consumers to a default electricity provider chosen by the community. Individual consumers will have the same opportunity to "opt out", or choose their own energy provider, thus providing the community with more flexibility than it has now.

By allowing Municipalities to be the community aggregator, the cost barrier imposed by the current requirement to sign up consumers one at a time is eliminated. Additionally, the

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California's Electric Deregulation law currently prevents municipal aggregation and requires consumers to actively choose, or "opt in", to a contract with an alternate energy supplier. The proposed resolution calls for changes to allow municipalities to aggregate consumers to a default electricity provider chosen by the community. Individual consumers will have the same opportunity to "opt out", or choose their own energy provider, thus providing the community with more flexibility than it has now.

By allowing Municipalities to be the community aggregator, the cost barrier imposed by the current requirement to sign up consumers one at a time is eliminated. Additionally, the purchasing power of the aggregated municipal customer creates leverage in the marketplace to insure competition among providers wishing to secure the municipal contract.

Community Choice has an added advantage over municipalization of power. Under Community Choice, the City's role is optimized. The City would act as a purchasing agent but does not have financial exposure associated with taking title to a municipally owned power system.

Electric power generation is currently the single largest cause of global warming. Renewable (green) power is available, but consumer demand for green power has been insufficient to create a stable market for this type of energy. Community Choice would allow municipal aggregators to place requirements in their power contracts for specified percentages of the electricity to come from "green" sources. This would create a larger demand for "green" power which significantly improve the viability of the renewable electric power industry. Requirements for energy efficiency could also be inserted in an agreement.

Such steps would be consistent with the City's greenhouse gas reduction goals related to the International Council for Local Environmental Initiatives and the Sustainable Community Development Initiative. For example, if 95% of the residential and 30% of the business customers in Oakland purchase green power, an estimated 120,000 fewer tons of carbon dioxide would be produced each year as compared to 1990. Such a switch to green power could be among Oakland's largest greenhouse gas reduction activities.

In order to persuade the Legislature to amend the State's Electric Deregulation Law it will be necessary to demonstrate broad based support among municipalities for these changes. This process has already begun. In Southern California, a Joint Powers Authority has been established by eleven cities for collective purchasing of electric power. These cities are currently considering adoption of this resolution. Santa Monica is also considering the resolution.

POLICY DESCRIPTION

The resolution calls on the California State Legislature to amend the State's Electric Deregulation Law, Chapter 854 of 1996, sections 366(A) and (B) to authorize municipal corporations to designate themselves as the aggregator of electricity on behalf of their residents or businesses. In order to designate itself as an aggregator, the Municipality would need a majority vote of its governing body or electorate. Residents or businesses not wishing to participate would have the option of buying their electricity through a provider of their own choice, the same opportunity they have now.

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The resolution does not require Oakland to pursue this course of action. It would, however, effect legislative changes that would allow Oakland and other California cities the option of pursuing this course of action in the future.

RECOMMENDATION

Staff recommends adoption of the Resolution. Staff will also continue working with other California cities on a "Community Choice" conference and identification of funds to cover the City's portion of the conference expenses.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



CLAUDETTE R. FORD

Interim Director, Public Works Agency

Prepared by:

Harry Schrauth

Assistant Director

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY MANAGER



City and County of San Francisco
Meeting Agenda

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Public Utilities and Deregulation Committee

Members: Supervisors Tom Ammiano, Leland Yee and Alicia Becerril

Tuesday, July 20, 1999

1:00 PM

City Hall, Room 263

Regular Meeting

REGULAR AGENDA

1. **981866 [Sutro Tower]**
 Supervisors Yee, Ammiano, Bierman
 Hearing to consider the permitting process and oversight of work at Sutro Tower.

 11/2/98, RECEIVED AND ASSIGNED to Economic Development, Transportation, and Technology Committee.
 1/25/99, TRANSFERRED to Public Utilities and Deregulation Committee.
 5/27/99, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Frank Chiu, Director, Department of Building Inspection; Jim Miller, Department of Planning; Christine Linnenrach; Nancy Hogan; Charlene Chinn; Robert McCarthy.

2. **990313 [Water and Sewer Maintenance Program]**
 Supervisor Yee
 Hearing to consider the Public Utilities Commission's water and sewer maintenance program.

 2/17/99, RECEIVED AND ASSIGNED to Finance and Labor Committee.
 4/13/99, TRANSFERRED to Public Utilities and Deregulation Committee.
 5/27/99, CONTINUED TO CALL OF THE CHAIR.

3. **991386 [Community Aggregation of Electricity]**
 Supervisor Ammiano
 Resolution urging the California Legislature to amend the State's electric deregulation law, Chapter 854 of 1996, Sections 366(A) and (B) to authorize San Francisco and any other California municipal corporation, upon a majority vote of its governing body or registered voters, to designate itself as the automatic aggregator of electricity on behalf of its residents and businesses, such that residents and businesses shall be automatically included in the jurisdiction's community aggregated electricity buyers' group, unless exercising a choice for the existing electrical corporation or another provider.

 7/12/99, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

4. **991252 [Transfer Control Over Public Access Channel to San Francisco Community Television Corporation]**
 Supervisor Bierman
 Resolution designating August 1, 1999 as the date the Cable Television Franchise Grantee (TCI) shall transfer management and control over the Public Access Channel to the San Francisco Community Television Corporation (SFCTC) and supporting sufficient funding for the public access program in the Department of Telecommunications and Information budget.

 6/1/99, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

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5. 991178 [Cable Access Channel Management Services]
Supervisor Bierman
Resolution supporting the continued management of the government cable access channel, Citywatch, by the nonprofit corporation known as the San Francisco Community Television Corporation (CTC) and urging the Department of Telecommunications and Information Services (DTIS) to continue the personal services contract with CTC to provide management services.
6/14/99, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.
6/23/99, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Continued at the request of sponsor. Speaker: June Gutfleisch, Legislative Aide to Supervisor Bierman.
6. 991388 [PG&E Power Outage December 8, 1998]
Supervisor Ammiano
Hearing to consider the December 8, 1998 PG&E power outage.
7/12/99, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Public Utilities and Deregulation Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

There are no items pending under the 30-Day Rule.

Watch future agendas for matters.

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #42 Downtown Loop, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by 4:00 p.m. of the Friday before the Board meeting:

For American Sign Language interpreters, use of a reader during a meeting, or sound enhancement system, contact Violeta Mosuela at (415) 554-7704.

For a large print copy of agenda, contact Annette Lonich at (415) 554-7706.

Following a meeting minutes are available in alternative formats. Contact Marie McKechnie at (415) 554-7722.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force at 554-6171.

PUBLIC UTILITIES AND DEREGULATION COMMITTEE

S.F. BOARD OF SUPERVISORS

CITY HALL, ROOM 244

1 DR. CARLTON GOODLETT PLACE

SAN FRANCISCO, CA 94102-4689

IMPORTANT HEARING NOTICE!!!

3. 991386 [Community Aggregation of Electricity]
Supervisor Ammiano

Resolution urging the California Legislature to amend the State's electric deregulation law, Chapter 854 of 1996, Sections 366(A) and (B) to authorize San Francisco and any other California municipal corporation, upon a majority vote of its governing body or registered voters, to designate itself as the automatic aggregator of electricity on behalf of its residents and businesses, such that residents and businesses shall be automatically included in the jurisdiction's community aggregated electricity buyers' group, unless exercising a choice for the existing electrical corporation or another provider.

7/12/99, RECEIVED AND ASSIGNED to Public Utilities and Deregulation Committee.

Supervisor Ammiano:

In 1996, the California legislature passed AB 1890, an electric deregulation bill that created a market structure for competition generation and supply of electricity. The bill established an energy pool into which suppliers sell their electricity and from which wholesalers purchase electricity.

Consumers are now free to choose their own electricity supplier in the marketplace. Most San Francisco consumers may be familiar with this option in terms of "green power" marketing, whereby one can sign up with an electricity provider that purchases cleaner, sustainable energy.

With the exception of very large businesses and institutions that are large energy consumers, most California consumers have not realized the promised savings of energy deregulation. This is partially due to a provision in AB 1890 that provides that PG&E and Southern California Edison – the principal companies that transmit power – are "default providers." That is to say – if consumers don't proactively choose another electricity provider, PG&E and SoCal Edison automatically become their electricity supplier. Competition from other providers has not met the State PUC's initial expectations.

As we will hear today, a relatively simple change in state law could allow California cities and counties to become "default electricity providers" or community aggregators for their residents, mirroring similar programs recently passed in Ohio and Massachusetts. The result would be that a city like San Francisco could enter the marketplace to obtain better wholesale electricity rates and/or cleaner energy for its residents and businesses, who, of course, would retain their right to choose another provider (including PG&E). PG&E would continue to transmit power, maintain infrastructure, read meters, etc.

We have today Mr. Paul Fenn, one of the authors of Massachusetts law, to describe the resolution on today's calendar and provide some more background on the problems with energy deregulation to date and potential benefits of community aggregation.

In closing, this resolution simply requests an amendment to state law allowing cities to become community default aggregators if they choose. If such a change to state law occurs, we would then have to analyze closely the cost/benefits of actually taking this step. I plan to follow up with our state legislative delegation to request introduction of such a measure for the next session.

jurisdiction's aggregated electricity buyers' group, unless exercising a choice for the existing electrical corporation or another provider.

[Community Aggregation of Electricity]

URGING THE CALIFORNIA LEGISLATURE TO AMEND THE STATE'S ELECTRIC DEREGULATION LAW, CHAPTER 854 OF 1996, SECTIONS 366(A) AND (B) TO AUTHORIZE SAN FRANCISCO AND ANY OTHER CALIFORNIA MUNICIPAL CORPORATION, UPON A MAJORITY VOTE OF ITS GOVERNING BODY OR REGISTERED VOTERS, TO DESIGNATE ITSELF AS THE AUTOMATIC AGGREGATOR OF ELECTRICITY ON BEHALF OF ITS RESIDENTS AND BUSINESSES, SUCH THAT RESIDENTS AND BUSINESSES SHALL BE AUTOMATICALLY INCLUDED IN THE JURISDICTION'S COMMUNITY AGGREGATED ELECTRICITY BUYERS' GROUP, UNLESS EXERCISING A CHOICE FOR THE EXISTING ELECTRICAL CORPORATION OR ANOTHER PROVIDER.

WHEREAS, The state's electric deregulation law, Chapter 854 of 1996, came into effect on January 1, 1998; and

WHEREAS, Electricity choice has not followed the deregulation of the state's electric industry, with less than one (1) percent of Californian residents and businesses participating in or benefiting as consumers from the deregulated electricity marketplace more than a year after deregulation officially went into effect; and

WHEREAS, Residents and the vast majority of businesses in the City and County of San Francisco will not enjoy a meaningful choice of electricity service unless they are organized in aggregate to pool their electricity demand as a large volume buyer; and

WHEREAS, The citizens of City and County of San Francisco may be best be able to influence the price, terms and conditions of electricity sold within its boundaries if the City and County of San Francisco is able to play a role as an aggregator of electric consumers within its jurisdiction; and

WHEREAS, Section 366(b) of Chapter 854 of 1996 deregulating California's electricity industry prohibits local governments from automatically, even upon a majority vote of its citizens or the Board of Supervisors, aggregating residents and businesses who do not select an alternative power supplier to Pacific Gas and Electric Company; and

WHEREAS, The City and County of San Francisco has a direct interest in the proliferation of energy efficiency and renewable energy technology within its communities for purposes of job creation and environmental protection; and

WHEREAS, As an aggregated purchaser of electricity and marketplace participant, the City and County of San Francisco could condition its contracts for electricity with requirements for renewable energy, anti-discrimination, and first-source hiring to move residents from welfare to work; and

WHEREAS, The Commonwealth of Massachusetts and the State of Ohio have recently passed legislation for effective local government aggregation of electricity consumers, while ensuring that any customer who wishes to select his or her own electric supplier be allowed to opt-out of the community aggregation program; now, therefore, be it

RESOLVED, That the City and County of San Francisco requests the California Legislature to amend the State's electric deregulation law, Chapter 854 of 1996, Sections 366(a) and (b), as well as any other applicable sections, to authorize San Francisco and any other California Municipal Corporation, upon a majority vote of its governing body or registered voters, to designate itself as the automatic community aggregator of electricity on behalf of its residents and businesses, such that residents and businesses shall be automatically included in the

RESOLUTION NO. 2000-_____

RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS URGING THE CALIFORNIA LEGISLATURE TO AMEND THE STATE'S ELECTRIC DEREGULATION LAW, CHAPTER 854 OF 1996, SECTIONS 366(A) AND (B) TO AUTHORIZE THE COUNTY OF MARIN AND ANY OTHER CALIFORNIA MUNICIPAL CORPORATION, UPON A MAJORITY VOTE OF ITS GOVERNING BODY OR REGISTERED VOTERS, TO DESIGNATE ITSELF AS THE AUTOMATIC AGGREGATOR OF ELECTRICITY ON BEHALF OF ITS RESIDENTS AND BUSINESSES, SUCH THAT RESIDENTS AND BUSINESSES SHALL BE AUTOMATICALLY INCLUDED IN THE JURISDICTION'S COMMUNITY AGGREGATED ELECTRICITY BUYERS' GROUP, UNLESS EXERCISING A CHOICE FOR THE EXISTING ELECTRICAL CORPORATION OR ANOTHER PROVIDER

WHEREAS, the State's electric deregulation law, Chapter 854 of 1996, came into effect on January 1, 1998; and

WHEREAS, electricity choice has not followed the deregulation of the state's electric industry, with less than one (1) percent of California residents and businesses participating in or benefiting as consumers from the deregulated electricity marketplace more than a year after deregulation officially went into effect; and

WHEREAS, residents and the vast majority of businesses in the County of Marin will not enjoy a meaningful choice of electricity service unless they are organized in aggregate to pool their electricity demand as a large volume buyer; and

WHEREAS, the citizens of the County of Marin may be best able to influence the price, terms and conditions of electricity sold within its boundaries if the County of Marin is able to play a role as an aggregator of electric consumers within its jurisdiction; and

WHEREAS, Section 366(b) of Chapter 854 of 1996 deregulating California's electricity industry prohibits any local government, even upon a majority vote of its citizens, city council or Board of Supervisors, from automatically aggregating residents and businesses who do not select an alternative power supplier to Pacific Gas and Electric Company; and

WHEREAS, the County of Marin has a direct interest in the proliferation of energy efficiency and renewable energy technology within its communities for purposes of job creation and environmental protection; and

WHEREAS, as an aggregated purchaser of electricity and marketplace participant, the County of Marin could award points or condition its contracts for electricity with requirements for renewable energy, conservation, anti-discrimination, local and first-source hiring to move residents from welfare to work; and

WHEREAS, the Commonwealth of Massachusetts and the State of Ohio have recently passed legislation for effective local government aggregation of electricity consumers, while ensuring that any customer who wishes to select his or her own electric supplier be allowed to opt-out of the community aggregation program, a process known as "Community Choice".

NOW, THEREFORE, BE IT RESOLVED that the County of Marin supports legislation to amend the State's electric deregulation law, Chapter 854 of 1996, Sections 366(a) and (b) as well as any other applicable sections, to authorize the County of Marin and any other California Municipal Corporation, upon a majority vote of its governing body or registered voters, to designate itself as the automatic community aggregator of electricity on behalf of its residents and businesses, such that residents and businesses shall be automatically included in the jurisdiction's aggregated electricity buyers' group, unless exercising a choice for the existing electrical corporation or another provider.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 8th day of February, 2000, by the following vote:

AYES: SUPERVISORS

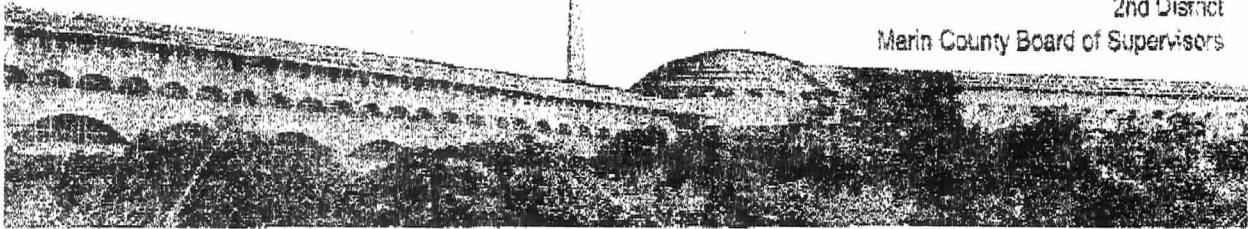
NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

B

HAROLD C. BROWN
2nd District
Marin County Board of Supervisors



February 1, 2000

Scott Benham
Global Green

SB 1184
AB 295

Handwritten notes on the right side of the page, including "310" and "2000-11-22".

Dear Colleagues,

The enclosed resolution urges the State Legislature to amend the state's electric deregulation law so that local jurisdictions can exercise a choice in purchasing energy for its residents.

Enclosed is further information about this idea. Basically, those concerned with the effects of global warming see this action as one opportunity to combat this environmental threat.

The Administrator's Office has reviewed this resolution to ensure it does not conflict with the County's legislative program.

I encourage our Board to pass the resolution and again support our environment.

Sincerely,

Harold C. Brown, Jr.
Supervisor, 2nd District

Donnelly
530-926-6459

Carolina 6192931440

Tommy
tjm@sdmayer.san.net
wed 11/22/99

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Suite 329 • 3501 Civic Center Dr. • San Rafael, CA 94903 • (415) 499-7331 • FAX (415) 499-3845

23rd -
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avail?

Harry Moore → Call him ←
499-32
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sblauvelt@marin.org

willie
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9 yr son
21 yr daughter

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Samy Deary
Rebekah

BOARD OF SUPERVISORS
 COUNTY OF MARIN

4 pages

AGENDA

Tuesday, February 8, 2000
 Board of Supervisors Chambers, Room 330, Civic Center

Convene in Open Session

Convene in Closed Session:

- 10:00 a.m. 1. Appointed Department Head evaluation (Director of County Library Services) pursuant to Government Code Section 54957.

Reconvene in Open Session

- 10:30 a.m. 2. Minutes of meeting of January 25, 2000.

11 am

3. Board of Supervisors' matters.

4. Administrator's report.

5. Open time for public expression, limited to three minutes per speaker, on items not on the Board of Supervisors' agenda.

6. CONSENT CALENDAR (Items C-1 through C-8)

7. Supervisor Brown requesting resolution urging the State Legislature to amend the state's electric deregulation law so that local jurisdictions can exercise a choice in purchasing energy for its residents.

8. Transportation Reports from Board members and the Department of Public Works.

9. Request from the Department of Public Works to adopt resolution authorizing the Public Works Director to file applications for Federal Surface Transportation Program ("STP") and Congestion Mitigation and Air Quality Improvement Program ("CMAQ") funding totaling \$2,357,800. (11.5% \$306,280) local match required

Recommended actions: Adopt resolution for funding in the amount of \$2,357,800. Projects to be funded are as follows: North San Pedro Road Rehabilitation, Sir Francis Drake Blvd., Kentfield Rehabilitation, East Sir Francis Drake Blvd. Rehabilitation, Lucas Valley/Las Gallinas Traffic Improvement, N. San Pedro Rd./Civic Center Drive Traffic Improvement, West Marin Shuttle, Inkwell Bridge.

10. Oral Report from the Department Parks, Open Space and Cultural Services on parks renovation projects.

11. First Reading: Ordinance amending Section 23.12.020(f) of the Marin County Code regarding the Nuclear Free Zone definitions.

Recommended actions: Request clerk to read ordinance by title only, schedule merit hearing for February 29, 2000, at 10:30 a.m.

Jonathan
631
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Single Attachment: "Californians for Community Choice" Resolution for the City of Fairfax, California July 29, 1999

[Joining Statewide Coalition for Community Aggregation of Electricity]

JOINING "CALIFORNIA CITIES FOR COMMUNITY CHOICE," A COALITION WHOSE PURPOSE IS TO AMEND THE STATE'S ELECTRIC DEREGULATION LAW, CHAPTER 854 OF 1996, SECTIONS 366(A) AND (B) TO AUTHORIZE FAIRFAX AND ANY OTHER CALIFORNIA MUNICIPAL CORPORATION, UPON A MAJORITY VOTE OF ITS GOVERNING BODY OR REGISTERED VOTERS, TO DESIGNATE ITSELF AS THE AUTOMATIC AGGREGATOR OF ELECTRICITY ON BEHALF OF ITS RESIDENTS AND BUSINESSES, SUCH THAT RESIDENTS AND BUSINESSES SHALL BE AUTOMATICALLY INCLUDED IN THE JURISDICTION'S COMMUNITY AGGREGATED ELECTRICITY BUYERS' GROUP, UNLESS EXERCISING A CHOICE FOR THE EXISTING ELECTRICAL CORPORATION OR ANOTHER PROVIDER.

WHEREAS, The state's electric deregulation law, Chapter 854 of 1996, came into effect on January 1, 1998; and

WHEREAS, Electricity choice has not followed the deregulation of the state's electric industry, with less than one (1) percent of Californian residents and businesses participating in or benefiting as consumers from the deregulated electricity marketplace more than a year after deregulation officially went into effect; and

WHEREAS, Residents and the vast majority of businesses in the City of FAIRFAX will not enjoy a meaningful choice of electricity service unless they are organized in aggregate to pool their electricity demand as a large volume buyer; and

WHEREAS, The citizens of the City of FAIRFAX may be best be able to influence the price, terms and conditions of electricity sold within its boundaries if the City of FAIRFAX is able to play a role as an aggregator of electric consumers within its jurisdiction; and

WHEREAS, Section 366(b) of Chapter 854 of 1996 deregulating California's electricity industry prohibits any local government, even upon a majority vote of its citizens, city council, or board of Supervisors, from automatically aggregating residents and businesses who do not select an alternative power supplier to Pacific Gas and Electric Company; and

WHEREAS, The City of FAIRFAX has a direct interest in the proliferation of energy efficiency and renewable energy technology within its communities for purposes of job creation and environmental protection; and

WHEREAS, As an aggregated purchaser of electricity and marketplace participant, the City of FAIRFAX could award points or condition its contracts for electricity with requirements for renewable energy, conservation, anti-discrimination, local and first-source hiring to move residents from welfare to work; and

WHEREAS, The Commonwealth of Massachusetts and the State of Ohio have recently passed legislation for effective local government aggregation of electricity consumers, while ensuring that any customer who wishes to select his or her own electric supplier be allowed to opt-out of the community aggregation program, a process known as "Community Choice"; now, therefore, be it RESOLVED, That the City of FAIRFAX hereby joins CALIFORNIA CITIES FOR COMMUNITY CHOICE, a statewide coalition whose purpose is to secure the amendment of the State's electric deregulation law, Chapter 854 of 1996, Sections 366(a) and (b), as well as any other applicable sections, to authorize FAIRFAX and any other California Municipal Corporation, upon a majority vote of its governing body or registered voters, to designate itself as the automatic community aggregator of electricity on behalf of its residents and businesses, such that residents and businesses shall be automatically included in the jurisdiction's aggregated electricity buyers' group, unless exercising a choice for the existing electrical corporation or another provider.