

RESOLUTION NO. 2010-06

A RESOLUTION OPPOSING THE PROPOSED CALIFORNIA CONSTITUTIONAL AMENDMENT BALLOT INITIATIVE ENTITLED "NEW TWO-THIRDS VOTE REQUIREMENT FOR LOCAL PUBLIC ELECTRICITY PROVIDERS"

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on March 16, 2010 at 7:30 p.m. on said day, it was moved by Council Member RODARMEL, seconded by Council Member SIEGEL, and carried, that the following Resolution be adopted:

WHEREAS, in 1997 the State of California deregulated the electricity market with the intent to give consumers a choice in electricity providers, ending decades of monopolized electricity markets; and

WHEREAS, deregulation promised lower rates and better service through increased competition; and

WHEREAS, the deregulation of the electricity market led to market manipulation by some investor-owned electricity providers which later admitted to fraudulent behavior. A direct result of that market manipulation was the energy crisis of 2000-2001; and

WHEREAS, in 2001, the State of California rescinded deregulation, returning most ratepayers to the same monopolistic electricity providers that they had prior to deregulation, resulting in the loss of free-market competition and consumer choice; and

WHEREAS, in 2002, in response to the collapse of deregulation and its failure to provide electricity consumers with a choice of electricity providers, the California Legislation passed, Assembly Bill 117, enabling communities to establish Community Choice Aggregation programs; and

WHEREAS, Community Choice Aggregation enables any city or county or combination thereof to purchase electricity on behalf of its residences and businesses, and can require and obtain a higher percentage of renewable energy in its energy portfolio than that provided by investor-owned utility; and

WHEREAS, Community Choice Aggregation offers Californians the opportunity to choose their electricity provider and obtain electricity that is qualified as renewable energy, as established by the California Energy Commission; and

WHEREAS, Community Choice Aggregation gives authority to participating local governments to issue municipal revenue bonds to build publicly-owned, renewable energy resources to supply electricity to their residents, thereby playing an important role in California's greenhouse gas reduction target as mandated in Assembly Bill 32, California's Global Warming Solutions Act; and

WHEREAS, all debt obligations incurred by Community Choice Aggregators are payable with the electricity revenue of participating customers, and not the general funds of any of the participating cities or counties; and

WHEREAS, Community Choice Aggregation programs are mandated under law to provide electricity users in their service territory with a minimum of four opportunities to opt out of service provision by the Aggregator and instead continue to receive service from the incumbent utility; and

WHEREAS, Community Choice Aggregation programs are certified by the California Public Utilities Commission and must comply with basic requirements for supply security, thereby ensuring public confidence in the program; and

WHEREAS, Pacific Gas & Electricity, the incumbent utility for the City of Lemoore, initially supported AB 117, and is required under the provisions of AB 117 to fully cooperate with Community Choice Aggregators, and has a stated commitment to renewable energy, energy efficiency and climate protection; and

WHEREAS, Pacific Gas & Electricity has in recent years become an opponent of Community Choice Aggregation, and is the sole major donor to the ballot initiative campaign entitled “New Two-Thirds Vote Requirement for Local Public Electricity Providers”; and

WHEREAS, on May 28, 2009, a request for title and summary was made to the California Attorney General for an initiative to amend the California Constitution, entitled “New Two-Thirds Vote Requirement for Local Public Electricity Providers,” which would be placed on the June 3, 2010 ballot if sufficient signatures are collected, and a copy of which is attached hereto and incorporated by this reference; and

WHEREAS, The “New Two-Thirds Vote Requirement for Local Public Electricity Providers” adds unreasonable hurdles for California cities and counties to overcome in order to become aggregate purchasers of electricity; and

WHEREAS, The “New Two-Thirds Vote Requirement for Local Public Electricity Providers” would require submitting any Community Choice Aggregation proposal to the voters within the proposed jurisdiction of an aggregator for a two-thirds vote of approval; and

WHEREAS, The “New Two-Thirds Vote Requirement for Local Public Electricity Providers” would effectively preclude any entity from becoming an electricity aggregator as well as virtually prohibiting any existing Municipal utility, all of whom operate on nonprofit, public interest basis, from entering into any new competitive market in California.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LEMOORE has determined that the City fully supports maintaining the consumer’s right to choose energy from clean, renewable sources as provided for under the Community Choice Aggregation law; and

RESOLVED FURTHER, that the City strongly opposes “New Two-Thirds Vote Requirement for Local Public Electricity Providers” as being against the interest of California’s

electricity ratepayers, against the public interest, and a potential setback for renewable energy production; and

RESOLVED FURTHER, that the City strongly urges other Community Choice Aggregation programs, cities, counties, special districts and Local Agency Formation Commissions to adopt similar resolutions opposing the "New Two-Thirds Vote Requirement for Local Public Electricity Providers"; and

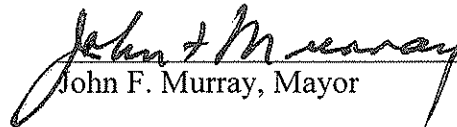
RESOLVED FURTHER, that the City Clerk of the City of Lemoore is hereby directed to forward a fully conformed copy of this resolution to the Attorney General of the State of California, the California Secretary of State, the Director of the San Joaquin Valley Power Authority, the President of the Municipal Utilities Association, the League of California Cities and the County Supervisors Association of California for dissemination to their members, and the Executive Director of the California Association of Local Agency Formation Commissions for dissemination to its members.

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Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 16th day of March, 2010 by the following vote:

Ayes: RODARMEL, SIEGEL, PLOURDE, HONRSBY, MURRAY
Noes: NONE
Absent: NONE
Abstaining: NONE

Approved:


John F. Murray, Mayor

Attest:

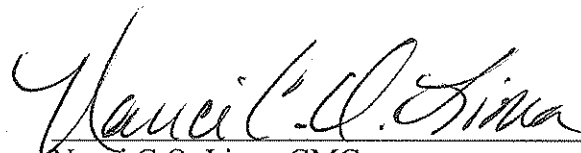

Nanci C.O. Lima, CMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. LIMA, City Clerk of the City of Lemoore do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on the 16th day of March, 2010 .

Dated: March 17, 2010



Nanci C.O. Lima, CMC
City Clerk

Date: July 23, 2009
Initiative No.: 09-0015

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

NEW TWO-THIRDS VOTE REQUIREMENT FOR LOCAL PUBLIC ELECTRICITY PROVIDERS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Requires local governments to obtain the approval of two-thirds of the voters before providing electricity to new customers or expanding such service to new territories if any public funds or bonds are involved. Requires same two-thirds vote to provide electricity through a community choice program if any public funds or bonds are involved. Requires the vote to be in the jurisdiction of the local government and any new territory to be served. Provides exceptions to the voting requirements for a limited number of identified projects. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown impact on state and local government costs and revenues, depending on future voter decisions, due to the measure's potential effects on electricity rates and publicly owned utility operations. (09-0015.)