

ORDINANCE NO. 2019-2871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MESA
AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM

WHEREAS, Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act"), added statutes to the Public Utilities Code authorizing local governmental bodies to individually or jointly provide retail electric commodity service to an aggregation of customers within their jurisdictions, a service referred to as Community Choice Aggregation (CCA);

WHEREAS, the City of La Mesa (City) adopted a Climate Action Plan in March 2018, which includes a goal for 100 percent of electricity used in the City to be generated from renewable fuel sources by 2035;

WHEREAS, since March 2018, the City has been actively investigating the feasibility of commencing CCA service for electric customers within the City, with the objective of making greater renewable electric portfolio content available to customers, providing greater local involvement over the provision of electric commodity services, and promoting competitive commodity rates;

WHEREAS, the City completed a CCA Feasibility Study which determined that a CCA program could result in local benefits including the use of renewable energy at levels above the State Renewables Portfolio Standard, the provision of competitive rates to consumers, and economic opportunity for the City;

WHEREAS, pursuant to Sections 331.1(b) and 366.2 of the Act, two or more entities authorized to be a community choice aggregator may participate jointly in a CCA program through a Joint Powers Authority established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if each entity adopts the ordinance required by Public Utilities Section 366.2;

WHEREAS, the City wishes to implement a CCA program at this time through a Joint Powers Authority together with other Founding Member local governments, which will be called the San Diego Regional Community Choice Energy Authority (SDRCCEA);

WHEREAS, under Public Utilities Code section 366.2, customers have the right to opt out of the CCA program and continue to receive bundled electric commodity service from the incumbent utility;

WHEREAS, Public Utilities Code section 366.2(c)(12) provides that an entity which elects to implement a CCA program within its jurisdiction must do so by ordinance; and

WHEREAS, this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) since the activity in question is not a "project" as defined in CEQA Guidelines Section 15378. Further, even if it were to be determined to be a project, the ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) since there no possibility that the ordinance or its implementation would have a significant effect on the environment. Additionally, the ordinance is categorically exempt

pursuant to CEQA Guidelines Section 15308, which exempts from environmental review actions taken by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment. The Director of Community Development shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: That the recitals set forth above are true and correct and are incorporated as though fully set forth herein.

SECTION 2: Based upon the findings and declarations set forth in this ordinance, and to provide businesses and residents within the jurisdictional boundaries of the City with a choice of electric commodity providers and with the benefits described in the recitals above, the City Council hereby elects pursuant to Public Utilities Code section 366.2(c)(12) to implement a CCA program within the jurisdiction of the City of La Mesa by participating in the CCA program of the SDRCCCA, under the terms and conditions provided in its Joint Powers Agreement, on file with the Office of the City Clerk.

SECTION 3: This Ordinance shall be effective 30 days after its adoption and the City Clerk of the City of La Mesa is hereby authorized to use summary publication procedures pursuant to Government Code Section 36933 utilizing the *East County Californian*, a newspaper of general circulation published in the City of La Mesa.

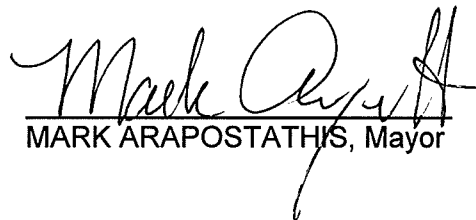
INTRODUCED AND READ at a Regular meeting of the City Council of the City of La Mesa, California, held the 10th day of September 2019, and thereafter PASSED AND ADOPTED at a Regular meeting of said City Council held the 24th day of September 2019, by the following vote, to wit:

AYES: Councilmembers Alessio, Baber, Parent, Weber and Mayor Arapostathis


NOES: None

ABSENT: None

APPROVED:

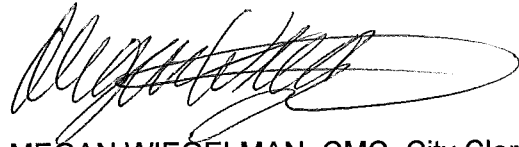

MARK ARAPOSTATHIS, Mayor

ATTEST:


MEGAN WIEGELMAN, CMC, City Clerk

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 2019-2871, duly passed and adopted by the City Council of said City on the date and by the vote therein recited and that the same has been duly published according to law.

A handwritten signature in black ink, appearing to read 'Megan Wiegelman', written over a horizontal line.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)