

ORDINANCE NO. 2021- 2491

ORDINANCE OF THE CITY OF NATIONAL CITY ESTABLISHING COMMUNITY CHOICE AGGREGATION IN THE CITY OF NATIONAL CITY

WHEREAS, Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; 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); and

WHEREAS, the City of National City adopted a Climate Action Plan in 2011, and is in the process of updating it to align with the state mandates of 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050; and

WHEREAS, since October 2019, the City of National City has been actively investigating the feasibility of commencing CCA service for electric customers within the City of National 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; and

WHEREAS, the City of National City completed a CCA investigation 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 of National City; and

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; and

WHEREAS, the City of National City wishes to implement a CCA program at this time through a Joint Powers Authority (JPA) with San Diego Community Power (SDCP); and

WHEREAS, the JPA agreement with SDGP will be brought to Council for approval following the adoption of the ordinance; and

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; and

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 exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, as it is not a "project" and 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 negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).)

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct.

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 of National 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 National City by participating in the CCA program.

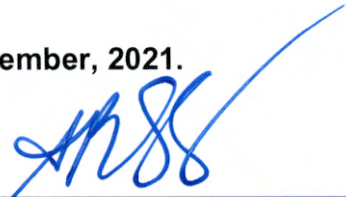
SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council of the City of National City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 4. No Mandatory Duty of Care. This Ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City of National City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City of National City or outside of the City of National City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5. Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. Effective Date. This ordinance shall be published pursuant to law and shall become effective thirty (30) days from the date of passage and adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish the title thereof, as a summary as required by State Law.

PASSED and ADOPTED this 2nd day of November, 2021.



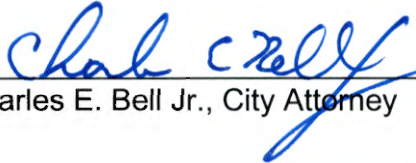
Alejandra Sotelo-Solis, Mayor

ATTEST:



Luz Molina, City Clerk

APPROVED AS TO FORM:



Charles E. Bell Jr., City Attorney

Passed and adopted by the Council of the City of National City, California, on November 2, 2021, by the following vote, to-wit:

Ayes: Sotelo-Solis, Rodriguez, Bush, Morrison, Rios

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY: Alejandra Sotelo-Solis
Mayor of the City of National City, California

Luz Molina
City Clerk of the City of National City, California

By: Shelley Chapel
Shelley Chapel, MMC, Deputy City Clerk

I HEREBY CERTIFY that the foregoing Ordinance shall be published pursuant to law and shall become effective thirty (30) days from the date of passage and adoption.

I FURTHER CERTIFY THAT said Ordinance was read in full prior to its final passage or that the reading of said Ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said Ordinance.

I FURTHER CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. 2021-2491 of the City Council of the City of National City, passed and adopted by the Council of said City on November 2, 2021.



Shelley Chapel for
Luz Molina, City Clerk
City of National City, California

By: Shelley Chapel
Shelley Chapel, MMC, Deputy City Clerk