

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AUTHORIZING THE IMPLEMENTATION OF A
COMMUNITY CHOICE AGGREGATION (CCA) PROGRAM

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council finds as follows:

1. The Cities of Cupertino, Mountain View, and Sunnyvale, and the County of Santa Clara formed and sponsored the Silicon Valley Community Choice Energy Partnership (SVCCEP) to investigate options to provide electric service to customers within the City of Mountain View and surrounding municipalities with the intent of achieving greater local control and involvement over the provision of electric services, competitive electric rates, the development of local renewable energy projects, reduced greenhouse gas emissions, and the implementation of energy conservation and efficiency projects and programs.

2. The City of Mountain View, through its participation in SVCCEP, has prepared a Technical Feasibility Study for a Community Choice Aggregation (“CCA”) program under the provisions of Public Utilities Code Section 366.2. The Technical Feasibility Study shows that implementing a community choice aggregation program would likely provide multiple benefits, including the following:

- a. Providing customers a choice of power providers;
- b. Increasing local control over energy rates and other energy-related matters;
- c. Providing electric rates that are competitive with those provided by the incumbent utility;
- d. Reducing greenhouse gas emissions arising from electricity use in the City;
- e. Increasing local and regional renewable generation capacity;
- f. Increasing energy conservation and efficiency projects and programs;

- g. Increasing regional energy self-sufficiency; and
- h. Improving the local economy by implementing new local renewable and energy conservation and efficiency projects.

3. The Joint Powers Agreement creating the Silicon Valley Clean Energy Authority (“Authority”) will govern and operate the CCA program on behalf of its member jurisdictions. The Initial Participants within the County of Santa Clara, as defined by the Joint Powers Agreement, may participate in the Authority by adoption of a resolution approving the execution of the Joint Powers Agreement and adoption of the CCA ordinance required by Public Utilities Code Section 366.2(c)(12) by March 31, 2016. Municipalities choosing to participate in the Authority will have membership on the Board of Directors of the Authority as provided in the Joint Powers Agreement.

4. The Authority will enter into agreements with electric power suppliers and other service providers and, based upon those agreements, the Authority plans to provide electrical power to residents and businesses at rates that are competitive with those of the incumbent utility. Once the California Public Utilities Commission approves the implementation plan prepared by the Authority, the Authority may provide service to customers within the City of Mountain View and those cities that choose to participate in the Silicon Valley Clean Energy Authority.

5. 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 at any time.

6. On January 12, 2016, the Mountain View City Council held a public hearing at which time interested persons had an opportunity to testify either in support of or in opposition to implementation of the Silicon Valley Clean Energy CCA program in the City of Mountain View.

7. 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, this ordinance is exempt from CEQA as there is no possibility that this ordinance or its implementation would have a significant negative effect on the environment (14 Cal. Code Regs. § 15061(b)(3)). This ordinance is also categorically exempt because it is an action taken by a regulatory agency to assure the maintenance, restoration, enhancement, or protection of the environment (14 Cal. Code Regs. § 15308). The Community Development Director shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

Section 2. The above findings are true and correct.

Section 3. Authorization to Implement a Community Choice Aggregation Program. Based upon the foregoing, and in order to provide businesses and residents within the City of Mountain View with a choice of power providers, the City of Mountain View hereby elects to implement a community choice aggregation program within the jurisdiction of the City by participating in the Community Choice Aggregation program of the Silicon Valley Clean Energy Authority, as described in its Joint Powers Agreement.

Section 4. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 6. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

KC/2/ORD
011-1-12-16o-E