

1 [Resolution Opposing Proposed California Constitutional Amendment]

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3 **Resolution in Opposition to the Proposed California Constitutional Amendment Ballot**
4 **Measure Misleadingly Referred to as the “Taxpayers Right to Vote Act”.**
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6 WHEREAS, In 1997, the State of California deregulated electricity, with the promise of
7 giving consumers a choice in electricity providers, ending decades of monopolistic electricity
8 markets which promised lower rates and better service through increased competition; and,

9 WHEREAS, The State of California rescinded deregulation resulting in the loss of
10 consumer choice and the possibility of free-market competition in 2001, and most ratepayers
11 now receive their electricity from the same monopoly electricity providers as before
12 deregulation; and,

13 WHEREAS, The deregulation of electricity led to the energy crisis of 2000-2001,
14 caused by the investor-owned, profit-driven electricity providers participating in market
15 manipulation, lead by Enron Corporation, which later admitted to fraudulent behavior; and,

16 WHEREAS, In 2002 in response to the collapse of deregulation and its failure to
17 provide electricity consumers with a choice of electricity providers, Assembly member Carole
18 Migden authored and passed AB 117, which enabled Community Choice Aggregation; and,

19 WHEREAS, Community Choice Aggregation enables any city or county or combination
20 thereof to become electricity purchasers for residences and businesses, and to require a
21 renewable energy component in the portfolio of electricity that they purchase; and,

22 WHEREAS, Community Choice Aggregation offers an opportunity for Californians to
23 once again choose their electricity provider and to obtain a cleaner source of their electricity;
24 and,

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1 WHEREAS, Community Choice Aggregation is regulated by the California Public
2 Utilities Commission, which enforces strict guidelines that must be followed by cities and
3 counties wishing to become aggregate buyers of electricity thereby assuring public
4 confidence in the program; and,

5 WHEREAS, In 2007, the Board of Supervisors of the City and County of San
6 Francisco voted to make San Francisco a Community Choice Aggregator and approved a
7 Draft Implementation Plan for Community Choice Aggregation; and,

8 WHEREAS, The Draft Implementation Plan sets the goal of providing 51 percent of the
9 city's electricity from clean and renewable energy sources by the year 2017; and,

10 WHEREAS, The San Francisco Public Utilities Commission (PUC) is on schedule to
11 issue, by October of this year, a Request for Proposals to private-sector energy service
12 providers to supply clean, renewable energy to the citizens of San Francisco under the PUC
13 Community Choice Aggregation program know as Clean Power SF, and,

14 WHEREAS, Clean Power SF is the next and very important step in bringing
15 competition back to the energy market as well as expanding green-collar jobs and boosting
16 the private-sector renewable energy industry; and,

17 WHEREAS, PG&E has a history of acting to maintain its monopoly in its service
18 region, including opposing public power initiatives at the ballot and lobbying officials of
19 California cities counties against Community Choice Aggregation, in apparent violation of the
20 provisions AB 117; and,

21 WHEREAS, On May 28, 2009, a request for title and summary was made to the state
22 Attorney General for a Constitutional amendment deceptively entitled the "Taxpayers Right to
23 Vote Act" to be placed on the ballot, a copy of which is attached hereto and incorporated by
24 this reference; and,

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1 WHEREAS, The “Taxpayers Right to Vote Act” seeks to retain the monopolies of
2 investor –owned, profit driven utilities circumventing the provisions of AB 117 which require
3 incumbent utilities to full cooperate with potential aggregators by adding unreasonable
4 hurdles that cities and counties must overcome to become aggregate buyers of electricity;
5 and,

6 WHEREAS, The “Taxpayers Right to Vote Act” would require submitting any
7 Community Choice Aggregation proposal to the voters within the proposed jurisdiction of a
8 proposed aggregator, and would require a two-thirds vote of approval by the voters if any type
9 of public financing is used, including bonds, cash, income, assets or equity would be used to
10 implement a Community Choice Aggregation program; and,

11 WHEREAS, The “Taxpayers Right to Vote Act” would effectively preclude any entity
12 from becoming an energy aggregator as well as virtually prohibit any existing Municipal utility,
13 all of whom operate on a non-profit, public interest basis, from entering into a competitive
14 market in the State of California; now, therefore, be it

15 RESOLVED, That the Board of Supervisors fully supports maintaining consumer’s right
16 to choose energy from clean, renewable sources that the provisions of Community Choice
17 Aggregation law provides; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors strongly opposes the
19 “Taxpayers Right to Vote Act” as being against the interests of California ratepayers, against
20 the public interest, and a potential setback for renewable energy production; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors strongly urges the Attorney
22 General, if the measure qualifies for the ballot, to assign a title to the measure which
23 accurately reflects its intent to restrict competition from non-profit, publicly owned utilities by
24 virtually assuring a monopolistic stranglehold by profit-driven investor-owned utilities on the
25 energy markets of the State of California; and, be it

1 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is hereby directed
2 to forward a fully conformed copy of this resolution to the Attorney General of the State of
3 California, the California Secretary of State, the Director of the San Joaquin Valley Joint
4 Powers Authority, the Director of Marin Energy Authority, and the President of the California
5 Municipal Utilities Association for dissemination to its members.

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