

RESOLUTION NO. 53-10

A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, OPPOSING PROPOSITION 16 ON THE JUNE 16, 2010, STATEWIDE GENERAL ELECTION BALLOT, THE "NEW TWO-THIRDS VOTE REQUIREMENT FOR PUBLIC ELECTRICITY PROVIDERS" INITIATIVE

WHEREAS, the "New Two-Thirds Vote Requirement for Public Electricity Providers" Initiative has qualified for the June 8, 2010 Statewide Primary Election; and

WHEREAS, the Initiative is a Constitutional Amendment; and

WHEREAS, the Initiative would require a public power provider to obtain a 2/3 voter majority in both existing territory and proposed territory expansions prior to spending funds for a utility system expansion; and

WHEREAS, the Initiative would prevent elected representatives or a simple majority of citizens from determining whether they want to have public power in any newly annexed areas; and

WHEREAS, if passed, this measure would set a dangerous precedent that could potentially lead to further constraints on the ability of local governments to issue revenue bonds; and,

WHEREAS, the Initiative would prevent a simple majority of citizens from determining whether they want Community Choice Aggregation (CCA), a program authorized by the state legislature in 2002 that allows a city, county or group of government agencies to procure and provide electricity to residents and businesses within its jurisdictions; and

WHEREAS, the City of Richmond wishes to support citizens' ability to opt for locally controlled public power by forming municipal utility districts or CCAs in Contra Costa County and communities throughout the state; and

WHEREAS, according to the Legislative Analysts Office in a report to the California Attorney General's office: "This measure could affect local government costs and revenues due to its potential effects on the operation of publicly owned utilities and CCAs. It could also affect the finances of state and local government agencies in California because of its potential impact on electricity rates. These effects would largely depend upon future actions of voters and local governments."

NOW, THEREFORE, the Richmond City Council does resolve as follows:

SECTION 1. The Council by adopting this resolution does hereby oppose the Initiative on the June 2010 ballot.

SECTION 2. The City Council and staff are authorized to provide impartial informational materials on the Initiative as may be lawfully provided by the City's representatives. No public funds shall be used to campaign for or against the initiative.

SECTION 3. The residents of the City of Richmond are encouraged to become well informed on the Initiative and its possible impacts.

SECTION 4. The Council finds that adoption of this resolution does not meet the California Environmental Quality Act's definition of a project pursuant to Public Resources Code Section 21065, and therefore, no environmental impact assessment is necessary.

I certify that the foregoing Resolution was passed and adopted by Richmond City Council at a regular meeting held on May 4, 2010 by the following vote:

AYES: Councilmembers Butt, Lopez, Rogers, Vice Mayor Ritterman, Viramontes, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Bates.

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 53-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 4, 2010.