ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE
ESTABLISHING A COMMUNITY CHOICE AGGREGATION
PROGRAM TO ALLOW THE CITY OF SAN JOSE TO
AGGREGATE THE ELECTRICAL LOAD OF SAN JOSE
MUNICIPAL NEEDS, RESIDENTS AND BUSINESSES TO
REDUCE THE CITY’S GREENHOUSE GAS FOOTPRINT
AND TO ESTABLISH THE COMMUNITY ENERGY
DEPARTMENT

WHEREAS, the California Legislature promulgated Assembly Bill 117 in 2002
authorizing any California City and County, whose governing board so elects, to
combine the electricity loads of its municipal needs, residents and businesses into a
community-wide electricity buyers’ program known as Community Choice Aggregation;

WHEREAS, Community Choice Aggregation will allow the City of San Jose to provide
electric power using a higher percentage of renewable or greenhouse-gas-free power
sources than State mandates and thus will help the City of San Jose meet its
sustainability goals;

WHEREAS, through Community Choice Aggregation, the City of San Jose could have a
significant means of increasing the scale and cost-effectiveness of conservation,
energy efficiency and renewable energy in San Jose;

WHEREAS, as a community choice aggregator, the City of San Jose will have a means
of exercising local control over electricity prices, resources, and quality of service as
well as the designing of local energy systems to protect against rate volatility.
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. In accordance with Assembly Bill 117 (Stat. 2002, Ch 838, See California Public Utilities Code section 366.2 et seq.), the City of San Jose shall establish a Community Choice Aggregation program to be called San Jose Clean Energy;

2. Title 2 of the San Jose Municipal Code is hereby amended to add Chapter 2.04.4600 establishing a Community Energy Department and to read in full as follows:

Part 46
Community Energy Department

2.04.4600 Establishment

The community energy department is hereby established.

2.04.4610 Department Head Designated

The director of community energy shall be the head of the community energy department.

2.04.4620 Functions, Powers, and Duties

In addition to those general functions, powers, and duties given to the department head by this chapter and other provisions of this Code, the director shall:

A. Manage the City's energy portfolio.
B. Manage energy procurement.
C. Oversee financial accounting, in coordination with the Finance Department and risk management of the community energy department.

D. Oversee regulatory representation of the community energy department and San Jose Clean Energy.

E. Develop and implement local energy efficiency, renewable energy, and other energy programs.

F. Develop and implement resource plans that meet supply objectives and balance cost, risk, and environmental considerations.

G. Administer rate setting and optional rates to encourage policy goals.

H. Supervise customer service, marketing, communications, and any other programs needed to support the department.

I. Manage service providers and customer account data.

J. Oversee staff and contract management or assistance.

K. Perform all functions, powers, and duties delegated to the director of energy under any agreement relating to energy.

L. Submit to appropriate regulatory agencies, on behalf of the city, all required documents that are approved by the city council.

M. Perform such other services or functions related to community energy in the city that the city council or the city manager may, from time to time, authorize or request.
PASSED FOR PUBLICATION of title this _____ day of ____________, 2017, by the following vote:

NOES:

ABSENT:

DISQUALIFIED:

__________________________
SAM LICCARDO
Mayor

__________________________
TONI J. TABER, CMC
City Clerk