

**ORDINANCE NO. 3486**

**SAN LUIS OBISPO COUNTY ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM BY PARTICIPATING IN CENTRAL COAST COMMUNITY ENERGY'S COMMUNITY CHOICE AGGREGATION PROGRAM**

WHEREAS, Public Utilities Code § 366.2 authorizes communities to aggregate their electrical loads with community choice aggregators (CCA). Some potential benefits of a CCA include reduced greenhouse gas emissions, local renewable power development, competitive electric rates and the implementation of energy conservation and other energy programs; and

WHEREAS, Central Coast Community Energy (3CE) is an established CCA capable of providing electrical service to County customers. Currently, 3CE provides electrical service to the Counties of Monterey, Santa Cruz, San Benito, and Santa Barbara and those cities and towns within the Counties of Monterey, Santa Cruz, San Benito, Santa Barbara, and San Luis Obispo; and

WHEREAS, upon adoption of this Ordinance and amendment of 3CE's Joint Powers Agreement to add the County as a member, 3CE will revise its Implementation Plan and submit it to the California Public utilities Commission for approval. Once approved, 3CE will be able to provide power to residents and businesses of the County at rates that are competitive with those of the incumbent utility ("PG&E"); and

WHEREAS, 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 receive service from the incumbent utility will be able to do so; and

WHEREAS, on March 21, 2023, the Board held a public meeting on the manner in which the County will participate in a CCA program at which time interested persons had an opportunity to testify either in support of or opposition to the implementation of a CCA program serving the County through 3CE; and

WHEREAS, this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, as it is not a "project" as it 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 effect on the environment. (14 Cal. Code Regs. § 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (14 Cal. Code Regs. § 15308).

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION I. The above recitals are true and correct and material to this Ordinance.

SECTION II: Based upon the forgoing, and in order to provide businesses and residents within the County with a choice of power providers and with the benefits described above, the County Board of Supervisors hereby elects to implement a community choice aggregation program within the jurisdiction of the County by participating as a group in the Community Choice Aggregation Program of 3CE, as generally described in its Joint Powers Agreement.

SECTION III: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION IV: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION V: The action is exempt from the California Environmental Quality Act (CEQA), because it is not a "project" as it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (CEQA Guidelines §15378(a)). Further, it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code §21065; CEQA Guidelines §§5378(b)(4), 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment. (CEQA Guidelines §15308).

SECTION VI: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

**INTRODUCED** at a regular meeting of the Board of Supervisors held on the 7<sup>th</sup> day of March, 2023 and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 21<sup>st</sup> day of March, 2023, by the following roll call to vote, to wit:

AYES: Supervisors Bruce S. Gibson, Jimmy Paulding and Dawn Ortiz-Legg  
NOES: Supervisor Debbie Arnold and Chairperson John Peschong  
ABSENT: None  
ABSTAINING: None



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John Peschong

Chairperson of the Board of Supervisors  
of the County of San Luis Obispo  
State of California

ATTEST:

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin  
Deputy Clerk

[SEAL]