



City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** SEPTEMBER 1, 2009
FROM: PUBLIC UTILITIES LEGISLATIVE REGULATORY **ITEM NO:**
WARDS: ALL
SUBJECT: THE CALIFORNIA STATE BALLOT PETITION 09-0015, THE TAXPAYERS RIGHT TO VOTE ACT.

ISSUE:

Consideration of Opposing the California State Ballot Petition 09-0015, The Taxpayers Right to Vote Act.

RECOMMENDATIONS:

That the City Council:

1. Take an oppose position on California State Ballot Petition 09-0015;
2. Direct staff to analytically evaluate the merits of the measure and;
3. Appropriately inform the public about the findings, in accordance with Fair Political Practices Commission (FPPC) regulations.

BOARD RECOMMENDATION:

This item was unanimously approved by the Board of Public Utilities on August 21,2009.

BACKGROUND:

California State Ballot Petition 09-0015, The Taxpayers Right to Vote Act, filed papers on May 28, 2009 with the California Attorney General's Office for the June 2010 statewide ballot. The petition is an anti- municipal utilities annexation initiative. If adopted by California voters, it would require two-thirds of a municipality's voters to approve the addition of an annexed community into a municipally owned utility service territory. The petition is vague in its affect on the procurement to serve existing municipal customers, but appears to impact only those in the new annexations.

The purpose of the initiative is to deter a municipality from: creating a Community Choice Aggregate; use public funds to create a plan to become a Community Choice Aggregate; and to expand electric services to a new service territory or to new customers.

To qualify for the June 2010 ballot:

- The petition must receive 433,971 signatures;
- By November 30, 2009- signatures must be submitted to the California Secretary of State;
- By December 9, 2009- the California Secretary of State is required to determine if the petition meets the requirements or needs additional signature verification;
- January 28, 2010- is last day for the California Secretary of State to determine whether the petition qualifies for the June ballot.

Sponsors of The Taxpayers Right to Vote Initiative are Pacific Gas & Electric Company.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

Prepared by:	David H. Wright, Public Utilities General Manager
Certified as to availability of funds:	Paul C. Sundeen, Assistant City Manager/CFO/Treasurer
Approved by:	Belinda J. Graham, Assistant City Manager For Bradley J. Hudson, City Manager
Approved as to form:	Gregory P. Priamos, City Attorney

Attachments:

1. Board of Public Utilities Minutes of August 21, 2009
2. Roster of the Board of Public Utilities