

RESOLUTION NUMBER R- 315676

DATE OF FINAL PASSAGE JUL 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CREATING A CHARTER SECTION 43(B) TEMPORARY COMMITTEE NAMED THE FRANCHISE COMPLIANCE REVIEW COMMITTEE.

WHEREAS, San Diego Ordinances O-21327 and O-21328 (Jun. 11, 2021) (the Franchise Ordinances) granted the City of San Diego’s (City) gas and electricity distribution franchises (Franchise) to San Diego Gas and Electric Company (SDGE); and

WHEREAS, as part of the granting of the Franchise, the Franchise Ordinances require the City to establish a Franchise Compliance Review Committee (FCRC) to provide additional Franchise compliance oversight; and

WHEREAS, the Franchise Ordinances state that the FCRC shall be a citizens’ committee formed by resolution every two years and pursuant to San Diego Charter Section 43(b) and Council Policy 000-13; and

WHEREAS, the Council of the City of San Diego (Council) passed San Diego Resolution R-314189 (Jun. 23, 2022), which established the first FCRC to oversee the July 8, 2021 through July 7, 2023 compliance period; and

WHEREAS, on July 15, 2024, the Council in San Diego Resolution R- 315675, the Council dissolved the first FCRC upon completion of its objectives and work; and

WHEREAS, the Council now desires to establish the second FCRC to oversee the July 8, 2023, through July 7, 2025 compliance period; and

WHEREAS, under the Franchise Ordinances, the FCRC shall consist of five members, three selected by the Council and two selected by the Mayor; and

WHEREAS, under the Franchise Ordinances, the FCRC is temporary and shall be created for the purpose of: reviewing the independent auditor's report on SDGE's conformance and compliance with all conditions of the Franchise; and presenting the independent auditor's report and the FCRC's written report and recommendations to Council, including a recommendation on the proposed renewal for the secondary term of the Franchise, based on compliance with the Franchise and the Energy Cooperation Agreement; and

WHEREAS, under the Franchise Ordinances, no member of the FCRC may have a conflict of interest; and

WHEREAS, under the Franchise Ordinances, the FCRC will dissolve upon the presentation of the independent auditor's report and the Review Committee's written report and recommendations to Council; and

WHEREAS, under the Franchise Ordinances, the FCRC shall meet publicly and comply with the Ralph M. Brown Act and shall establish a mechanism by which members of the public may communicate with the Review Committee regarding the Franchise; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego as follows:


1. The Franchise Compliance Review Committee is hereby created under San Diego Charter section 43(b) for the purpose of reviewing the independent auditor's report on SDGE's conformance and compliance with all conditions of the Franchise; and presenting the independent auditor's report and the FCRC's written report and recommendations to Council,

including a recommendation on the proposed renewal for the secondary term of the Franchise, based on compliance with the Franchise and the Energy Cooperation Agreement.

2. No member of the FCRC shall have a prohibited conflict of interest.

3. The FCRC shall dissolve upon the completion of its work and objectives without further action by the Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Kathy J. Steinman  
Senior Deputy City Attorney

KJS:jvg  
June 12, 2024  
Or.Dept: Mayor  
CC No. N/A  
Doc. No.: 3654492

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 15 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 7/19/24  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 15 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 22 2024.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California  
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