

Resolution No. 5920

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL IN SUPPORT  
OF ADOPTION BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION OF  
COMMUNITY OPT OUT FOR WIRELESS SMART METERS

WHEREAS, under California law, local government has a legal duty to defend and protect the health and welfare of community; and retains broad discretion to legislate for public purposes and for the general welfare, including but not limited to matters of public health, safety and consumer protection; and

WHEREAS, elected officials take an oath to defend and protect the Constitution of the United States and the State of California; and,

WHEREAS, Smart Meters have been installed on some properties within the City of Sebastopol without the approval or desire of the resident and/or property owner; and

WHEREAS, Public Utilities Code section 2902 reserves the City's right to supervise and regulate public utilities in matters affecting the health, convenience and safety of the general public; and

WHEREAS, the City of Sebastopol will consider at their special meeting of February 21, 2013, an Urgency Ordinance for a Temporary Moratorium on the Installation of Smart meters and Related Equipment within the City of Sebastopol or in, along, across, upon, under and over the public streets and places within the City of Sebastopol; and

WHEREAS, Pacific Gas and Electric Company has installed its wireless Smart Meters radio-frequency system and related wireless data transmission equipment in public rights of way without seeking the advice or consent of local government; and,

WHEREAS, as a result of the deployment of wireless Smart Meters, Pacific Gas and Electric Company may be eliminating the jobs of potentially thousands of meter readers who have provided long years of loyal public safety service to the company and communities they serve as well as providing documented simple inspections (including "smell test" around gas meter for leaks, observation of meter and adjacent breaker/fuse box for obvious heating, checks for observed local illegal bypass of meters) that, reduces the safety of potentially dangerous utility supply to homes; and

WHEREAS, wireless Smart Meters are vulnerable to hacking and intrusion and may make our electrical grid more susceptible to terrorist attack and disruption; and,

WHEREAS, wireless Smart Meters do not provide real time data to customers and require massive amounts of electrical power for data collection, storage, and retrieval; and

WHEREAS, wireless Smart Meters act as data collection devices which make previously private activities inside our homes subject to unauthorized official and criminal surveillance; and,

WHEREAS, an increasing number of peer reviewed scientific studies have identified radio-frequency radiation as a health risk; and,

WHEREAS, a significant amount of Californians have health concerns about the unregulated exposure to radio-frequency radiation emitted by wireless Smart Meters; and,

WHEREAS, there are increasing concerns that some engineers and energy conservation experts believe that the Smart Meters program--in totality--could well actually increase total electricity consumption and therefore increase the carbon footprint which goes against the City of Sebastopol's goal for green house gas reductions; and

WHEREAS, under California Public Utilities Code section 453(b), it is unlawful to levy a fee upon utility customers based on a health condition; and,

WHEREAS, unless further deployment is stayed until the California Public Utilities Commission (CPUC) completes its Phase 2 hearings on community opt-out and the City of Sebastopol City Council makes their decision and actions based upon the outcome of the CPUC hearings, and PG&E customers will incur unnecessary expense and inconvenience; and,

WHEREAS, Community opt-out will allow local communities to decide whether to maintain analog meters or to agree to the universal deployment of wireless Smart Meters.

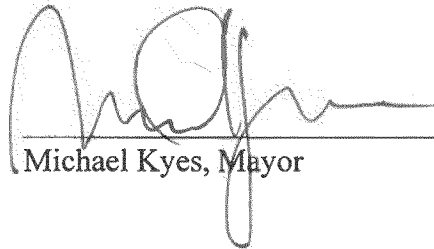
NOW, THEREFORE BE IT RESOLVED AND ORDERED that the City of Sebastopol City Council:

- 1) Supports adoption of a community opt-out procedure by the California Public Utilities Commission in A.11-03-014 and consolidated cases; and
- 2) Opposes the imposition of any fees or charges to customers who elect to opt-out as individuals; and
- 3) Opposes the imposition of any fees or charges to communities who elect to opt-out; and
- 4) Supports an interim order by the CPUC staying further deployment of Smart Meters until the Phase 2 hearings are final and until the City of Sebastopol City Council takes further action based upon the outcome of the CPUC hearings; and

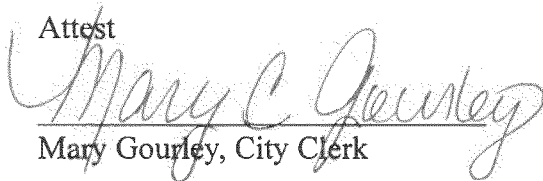
5) Supports a moratorium on Smart Meter deployment until the CPUC has fully investigated Smart Meter health, safety, security, privacy and consumer benefit complaints by holding evidentiary hearings.

The foregoing resolution was adopted at a regular meeting of the Sebastopol City Council of City of Sebastopol, County of Sonoma, and State of California, held on the 21st day of February 2013, by the following vote:


AYES: Councilmembers Eder, Gurney, Slayter, Vice Mayor Jacob and Mayor Kyes  
NOES: None  
ABSENT: None  
ABSTAIN: None



Michael Kyes, Mayor

Attest  
  
Mary Gourley, City Clerk

Approved as to Form:



Larry McLaughlin, City Attorney