



January 29, 2013

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SUBJECT: Merit Hearing on Renewal of Uncodified Ordinance Imposing A
Temporary Moratorium on the Installation of Smartmeters
and Related Equipment

Dear Board Members:

RECOMMENDATION: Consider the attached uncodified ordinance which would impose a new temporary (one year) moratorium on the installation of Smartmeters and related equipment to replace Ordinance 3552 which has expired.

BACKGROUND: In July and October of 2010 your Board directed the President to send letters on your behalf to the President of the California Public Utilities Commission requesting that they immediately suspend deployment of so-called Smartmeters by PG&E in Marin County until certain conditions regarding their safety and accuracy had been confirmed. There was no response. However, several other cities, towns and at least one other County decided to address this lack of action by the CPUC by adopting urgency ordinances imposing moratoriums on the further installation of Smartmeters until these issues have been adequately addressed.

At your meeting on Dec. 14, 2010, following substantial public comment on this issue during open time, your Board directed our office to bring forward for consideration a similar urgency ordinance. Thereafter, on Jan. 4, 2011, your Board adopted ordinance 3552 which followed the format of those other ordinances, with updates obtained in the interim.

Ordinance 3552 expired on December 31, 2011. We were requested to update the ordinance for an additional year for your Board's consideration. Your Board adopted that ordinance on January 15, 2012. Thereafter the CPUC has been working on options for allowing various opt-outs from Smartmeter installation and related fees. However, that process is still ongoing such that the CPUC has not yet formally approved any opt-out provisions or fees. Therefore, our office has again been requested to update the moratorium ordinance for another year. The attached ordinance is identical to ordinance 3552 except that the expiration date has been changed to December 31, 2013.

Very truly yours,

David L. Zaltsman
Deputy County Counsel