

DRAFT**SAN DIEGO UNIFIED PORT DISTRICT****ORDINANCE XXXX****ORDINANCE RESCINDING SAN DIEGO UNIFIED
PORT DISTRICT CODE ARTICLE 12, REQUIRED
REPORTING OF UTILITY USE ON TIDELANDS**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, the Board adopted Port Code Article 12, by Ordinance No. 2844 in December 2015, to obtain annual utility usage data to measure progress toward achieving the Climate Action Plan (CAP) greenhouse gas (GHG) reduction goals and encourage reductions in utility usage (energy and water) through utility benchmarking and reporting; and

WHEREAS, Port Code Article 12 requires all Utility Account Holders (as defined in Port Code Article 12) to report the prior calendar year utility data of which the District receives only aggregated data, thereby protecting any privacy interest of Utility Account Holders ; and

WHEREAS, over the course of implementing Port Code Article 12, many challenges were identified and the reporting deadlines were revised to March 2017 (for 2015 data) and August 2017 (for 2016 data) to address these challenges; and

WHEREAS, continued implementation challenges were previously presented to the Board on January 5, 2017 and April 11, 2017 (January 5, 2017 Board of Port Commissioners Memorandum: Update on the Utility Usage Reporting Ordinance and April 11, 2017 Board of Port Commissions Staff Report File Number 2017-0073) and included the following:

- Identifying Utility Account Holders and development of a tracking database;
- Inconsistencies with SDG&E's Automated Benchmarking Service;
- Additional development of comprehensive resources is necessary to facilitate compliance;
- Assisting Utility Account Holders within the confines of a third party Data Aggregator arrangement; and
- The introduction of a new tool that is more complicated than initially perceived.

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WHEREAS, extensive outreach, targeted one-on-one assistance to potentially larger businesses, refinement of the Utility Account Holder database, and the development of technical resources resulted in an increase of Utility Account Holders' participation from the 2015 to 2016 calendar year reports; and

WHEREAS, the Utility Usage Report for Calendar Year 2016, a copy of which is on file with the Office of the District Clerk, highlights 122 Utility Account Holders reporting utility usage data that account for 93% of total District-wide energy usage; and

WHEREAS, this is a significant improvement from the 2015 Utility Usage Baseline Report, a copy of which is on file in the Office of the District Clerk, where 27% of total District-wide energy use was reported under Port Code Article 12; and

WHEREAS, while there is no estimate of total District-wide water consumption, increased participation resulted in a significant increase in reported water usage; and

WHEREAS, lessons learned from two years of implementation include that District-wide utility usage is highly concentrated among the top decile of Utility Account Holders and the costs outweigh the benefits of capturing the final 7% of District-wide energy usage reporting under Port Code Article 12; and

WHEREAS, Staff recommends rescinding San Diego Unified Port District Code Article 12 (Port Code Article 12) and the District can utilize valuable aggregated utility data analysis from the first two years of implementation, continue to collect data through complementary resources, and focus its limited resources on high potential efforts.

NOW THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. San Diego Unified Port District Code Article 12, Required Reporting of Utility Use on Tidelands, is hereby rescinded.

Section 2. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10th day of October, 2017, by the following vote: