

## **PETITION FOR CITY OF SAN ANTONIO CHARTER AMENDMENT FOR PUBLIC CONTROL OF CPS ENERGY TO ACHIEVE THE CITY'S ENERGY GOALS**

To the Mayor and City Council of the City of San Antonio ("City"): We, the undersigned registered voters of the City of San Antonio, Texas, under Section 9.004 of the Texas Local Government Code, hereby petition for an election to amend the Charter of the City, Article V, by the addition of Article V.C to include provisions applicable to CPS Energy, its management, and its policies in the public interest, and to read as follows:

### **ARTICLE V.C. CPS ENERGY DEPARTMENT**

*Par. 1. CPS Energy Department.* In accordance with the provisions of the currently outstanding senior lien obligations, the City hereby agrees, covenants, and reaffirms that hereafter and during such times as any Bonds issued hereunder are outstanding and unpaid the complete management and control of the CPS Energy system (the department) shall be vested in a Board of Trustees consisting of the city council sitting as a whole. The mayor shall be Chairman of the Board of Trustees.

*Par. 2. Director of CPS Energy.* The Board shall, by a supermajority (2/3) vote of its members, appoint a director for the department chosen on the basis of executive and administrative qualifications, including a minimum of 10 years executive experience with a public energy utility. The director may be removed by a simple majority vote of the members present and voting. Compensation for the director shall be fixed by the Board. The director shall, during his or her tenure of office, reside within the city. No person elected or appointed to office as a member of the governing body of the city or city owned entity shall be eligible for appointment as director.

*Par. 3. Director – Powers and Duties.* The director shall be responsible to the Board for the proper administration of all affairs of the department, including the appointment and removal of officers and employees of the department. The director shall perform such other duties and services affecting the department as are assigned or directed by the Board, including implementation of the city's climate and equity policies.

*Par. 4. Advisory Commission.* The Board shall establish an Advisory Commission for the department to advise the Board on all matters concerning the department. The Advisory Commission shall meet monthly or at other times as a majority of the Advisory Commission members deem prudent. Each Board member shall appoint one member to the Advisory Commission from the Board member's council district. The Board shall appoint an additional member to represent customers of the department outside the city limits of San Antonio. The Commission shall review and analyze all policies and procedures of the utility including the rate structure, fuel costs and charges, customer services, capital investments, new generation facilities, selection of types of fuel, budget, strategic planning, regulatory compliance, billing procedures, the transfer of electric utility revenues from the utility fund to the general fund, and the implementation of the policies set forth in Paragraph 5 below.

*Par. 5. Energy policies mandated through and as part of this charter amendment.* The Board shall introduce public transparency in providing a reliable, affordable, and clean supply of energy for all customers. Additionally, within a reasonable time after passage of this amendment, the Board shall implement the following policies to meet the goals of the city's Climate Action and Adaptation Ordinance 2019-10-17-0840 and the Paris Climate Agreement.:

- A. The department shall eliminate coal power from its generation portfolio no later than 2030 and divest from fossil fuels entirely no later than 2040.
- B. *Equity in Rate Setting.* The department shall develop and implement an inclining rate structure that generally sets higher unit costs for residential and commercial customers who consume more power. Customers who use less power shall pay at lower unit costs. The rate policy shall protect qualified low-income customers from service termination and unaffordable bills.
- C. *Efficiency Goals.* The department shall develop and implement a rate structure and other performance incentives which will financially incentivize the department to promote energy efficiency and renewable sources of power generation, while assuring the recovery of the department's fixed costs and obligations, including the fund transfers to the City's general fund. The department shall develop a plan to maximize energy efficiency in residential and commercial buildings; and shall develop a plan to promote electric vehicles.

*Par. 6. Transitional Provisions.* This charter amendment is effective immediately on adoption by the electorate. The position of the Chief Executive Officer is abolished as of the effective date of this amendment. The City Manager shall appoint an Interim Director pending the Board's appointment of the Director of CPS Energy. Other management and employees of CPS Energy will continue in employment following the effective date. The personnel and business policies of CPS Energy will remain in effect until changes are approved by the Board. Nothing in this amendment shall affect the transfer of CPS Energy revenues to the general fund. This amendment is intended to have little or no fiscal impact on the municipality.

*Par. 7. Severability & Interpretation.* Notwithstanding any Ordinance or City Charter provision to the contrary, the provisions of this Section shall prevail in the event of a conflict. In the event any portion of this Section be determined invalid in a court of law, the remaining provisions of this Section shall continue in force and effect.

**PETITION FOR CITY OF SAN ANTONIO CHARTER AMENDMENT  
FOR PUBLIC CONTROL OF CPS ENERGY TO ACHIEVE THE CITY'S ENERGY GOALS**

WHEREAS, CPS Energy is wholly owned by the citizens of San Antonio; and  
 WHEREAS, CPS Energy functions as if it were a private utility with its primary goal to maximize profits rather than to serve ratepayers and the general public, and paid its chief executive officer \$930,000 in salary and bonus in 2019; and  
 WHEREAS, the goals of the Paris Climate Agreement and the City's Climate Action and Adaptation Plan have been adopted by the City Council. To reach those goals requires a significant and timely increase in energy efficiency and renewable energy and other changes related to climate equity, which the current unelected CPS Board has shown no intention to implement; and  
 WHEREAS, to provide the transparent and accountable public leadership needed to implement the necessary changes in energy policies, the city council should serve as the board of the city's utility;  
 THEREFORE, we the undersigned registered voters of the City of San Antonio hereby petition the San Antonio Mayor and City Council for an election for the addition of Sec. V.C. of the City Charter as stated on the reverse page of this Petition.

DATE SIGNED	SIGNATURE and PRINTED NAME	STREET ADDRESS	DATE OF BIRTH or VOTER REGISTRATION	E-MAIL (optional) or PHONE (optional)
___/___/2020	Signature: _____ Printed Name:	Street no. and name: _____ San Antonio, Tx, Bexar County, Zip code <b>78</b> _____	___/___/___ OR VOTER NO.	
___/___/2020	Signature: _____ Printed Name:	Street no. and name: _____ San Antonio, Tx, Bexar County, Zip code <b>78</b> _____	___/___/___ OR VOTER NO.	
___/___/2020	Signature: _____ Printed Name:	Street no. and name: _____ San Antonio, Tx, Bexar County, Zip code <b>78</b> _____	___/___/___ OR VOTER NO.	
___/___/2020	Signature: _____ Printed Name:	Street no. and name: _____ San Antonio, Tx, Bexar County, Zip code <b>78</b> _____	___/___/___ OR VOTER NO.	

Questions? Contact us at 210.827.0252.

**CAUTION! Both sides of this petition must be printed together. FRONT TO BACK or STAPLED.**  
 Print this petition from [recallcps.com](http://recallcps.com). Donations welcome payable to **Our Power Coalition PAC** (not tax-deductible), on line or sent to address below.

Mail **BOTH SIDES** of this petition, after you complete with **signature, address, DOB or Voter ID, TO Our Power Coalition PAC, 702 Donaldson Ave, San Antonio, Tx 78201 Ste.207A**

I affirm that I personally circulated the forgoing paper, that all signatures appended thereto were made in my presence, and that I believe them to be genuine signatures of the persons whose names they purport to be.  
 Circulator Signature \_\_\_\_\_