

BEFORE THE BOARD OF COMMISSIONERS FOR JOSEPHINE COUNTY
STATE OF OREGON

ORDINANCE NO. 2018-006

AN ORDINANCE AMENDING THE COUNTY CODE (ORDINANCE NO. 2018-004) BY
CREATING CHAPTER 5.30, UTILITY CONSUMER CHOICE

WHEREAS, Josephine County has provided for a new organization of its codes and ordinances that is pending adoption; and

WHEREAS, the Charter of Josephine County and state law provide the County with all the authority necessary to regulate its affairs, consistent with the Constitutions and laws of the United States and the State of Oregon; and

WHEREAS, included in the County's authority is the authority to protect consumers of electricity within the County; and

WHEREAS, Economic Development is a well-established matter of County Concern; and

WHEREAS, it appears that an electricity provider has installed new types of meters to measure the use or consumption of electricity by individual rate-paying consumers; and

WHEREAS, it appears that an electricity provider may attempt to impose an additional fee for those consumers who opt not to accept the new meter types; and

WHEREAS, this issue is of particular concern for the citizens of Josephine County and for their elected representatives; now, therefore,

The Board of County Commissioners of Josephine County ordains as follows:

SECTION 1.00 **TITLE**

This ordinance shall be known as the Josephine County Utility Consumer Choice Ordinance.

SECTION 2.00 **CODIFICATION**

This ordinance shall be codified in the newly organized code as JCC 05.30.01, entitled "Requirement for the provision of consumer choice by utility providers."

SECTION 3.00 **PURPOSE AND INTENT**

The purpose of this ordinance is to protect the citizens of Josephine County from arbitrary and excessive charges by providing consumer choice.

SECTION 4.00 DEFINITIONS

For the purposes of this ordinance;

- A. Economic Hardship means a utilization calculation or meter reading compensation that is already covered, or can be covered, by the total service cost, or that exceeds the reading charge specifically applied to the most commonly used type of meter in Josephine County.
- B. Provider means an entity that is engaged in providing electricity or electric service to rate-paying consumers, whether residential, agricultural, commercial or industrial.

SECTION 5.00 AUTHORITY

The Board of Commissioners of Josephine County has authority to regulate matters of county concern within the county, under the provisions of the Constitution of the State of Oregon, the statutes of the State of Oregon, and the Charter of Josephine County.

SECTION 6.00 PROHIBITED ACTIONS

- 6.01 Providers must provide non-radio frequency digital, digital broadcasting or non-broadcasting, and non-computerized analog reading and reporting methods to consumers who request such services.
- 6.02 No Provider may impose an Economic Hardship through its meter reading or utilization reporting method on a minority of the population without affording a low or no cost alternative.
- 6.03 On or before March 1 of each year, The Board of Josephine County Commissioners shall identify to Providers all consumers who will incur an Economic Hardship due to the type of meter reading or utilization reporting method used by the consumer.
- 6.04 If the Provider has installed a "Smart Meter" prior to the effective date of this ordinance and the consumer whose service is affected by that "Smart Meter" requests that the Provider remove the meter, the Provider must remove the "Smart Meter" and replace it with a non-radio frequency, digital broadcasting or non-broadcasting, or non-computerized analog meter as requested by the consumer within thirty (30) days after receiving the request. The consumer shall have ninety (90) days after the effective date of this ordinance to make the request, in writing, to the Provider.
- 6.05 Providers must maximize the availability of alternative reading or reporting methods for consumers who request such services.

SECTION 7.00 PENALTIES

Each violation of the terms or provisions of this ordinance is a Class A violation, the fine for which is \$2000.00 for each such violation. Each assessment, charge, or fee is a separate violation, even if assessed against a single consumer.

SECTION 8.00 RULEMAKING

The Board of County Commissioners may adopt through Board Order rules establishing the criteria for a determination of Economic Hardship.

SECTION 9.00 SEVERABILITY

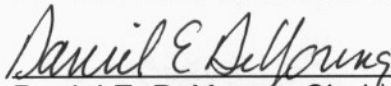
In the event that any part or portion of this ordinance is found to be invalid or unenforceable, all remaining parts remain in full force and effect. The titles of sections or subsections in this ordinance are provided for reference only and are not part of this ordinance nor an expression of intent.

SECTION 10.00 EFFECTIVE DATE

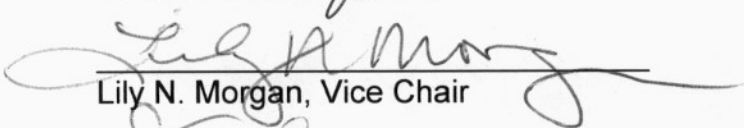
First reading by the Board of County Commissioners this 17th day of October, 2018.

Second reading and adoption by the Board of County Commissioners at least thirteen days after the first reading this 31st day of October, 2018. This Ordinance shall take effect ninety (90) days after its adoption by the Board of County Commissioners.

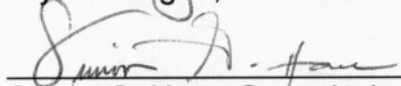
JOSEPHINE COUNTY
BOARD OF COMMISSIONERS



Daniel E. DeYoung, Chair

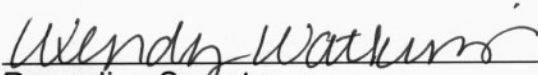


Lily N. Morgan, Vice Chair



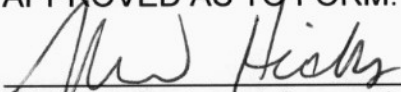
Simon G. Hare, Commissioner

ATTEST:



Wendy Watkins
Recording Secretary

APPROVED AS TO FORM:



Wally Hicks, Legal Counsel