




**COUNCILMEMBER CHRIS CATE
CITY OF SAN DIEGO
SIXTH DISTRICT**

M E M O R A N D U M

DATE: July 31, 2020

TO: Mayor Kevin L. Faulconer

FROM: Councilmember Chris Cate 

SUBJECT: Addendum to July 28, 2020 Memo Regarding Electric and Gas Franchise Agreement

I am following up to my memo dated July 28, 2020 regarding the gas and electric franchise currently being discussed to offer additional clarity. I am urging the Mayor to continue using the eminent domain and condemnation language in the current franchise agreement for the upcoming Invitation to Bid (ITB).

This language and approach relies on State law rather than a small group of appraisers to value assets. I am especially concerned about protecting the long-term interest of the City. Any new approach to eminent domain may create a bad precedent for the City resulting in inaccurate values and protracted litigation.

As a result, I would like to make it clear that the ITB should continue to rely on State law when considering eminent domain and condemnation. The existing language in the current gas and electric franchise is appropriate and should be carried forward in the ITB and the new franchise.

Cc: Andrea Tevlin, Independent Budget Analyst