

RESOLUTION NO. 2018-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, APPROVING CERTAIN ADMINISTRATIVE POLICIES FOR THE RANCHO MIRAGE ENERGY AUTHORITY

WHEREAS, the City of Rancho Mirage (the "City") is a municipal corporation and charter city duly organized and validly existing under and by virtue of the Constitution and laws of the State of California; and

WHEREAS, Rancho Mirage Energy Authority ("RMEA"), the City's community choice aggregation program, has been formed by the City for the purpose of serving the retail electric service customers residing and doing business within the City's jurisdictional boundaries; and

WHEREAS, the City Council adopted Resolution No. 2017-40 on the 19th day of October, 2017, authorizing and approving the City to become a member of the California Choice Energy Authority, a joint exercise of powers authority created under the Joint Exercise of Powers Act (California Government Code Section 6500, *et seq.*); and

WHEREAS, the City Council of the City (the "City Council") is the local authority with jurisdiction over RMEA, possessing the necessary power and authority to adopt administrative policies that govern the operation of the RMEA, including, but not limited to, those adopted pursuant to California Public Utilities Commission ("CPUC") decisions; and

WHEREAS, the City Council now wishes to adopt various administrative policies for the RMEA program to provide guidance to those individuals responsible for the operation of the program, both in an effort to comply with CPUC decisions and in order to facilitate such operation of RMEA in accordance with prudent business and industry practices.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. RECITALS.

That the foregoing recitals are true and correct.

Section 2. APPROVAL OF VARIOUS ADMINISTRATIVE POLICIES.

That the City Council hereby approve the administrative policies, copies of which are attached hereto and incorporated herein by this reference as Exhibit "A," as follows:

A. RMEA-01: PROTECTION OF CONFIDENTIAL INFORMATION

B. RMEA-02: PRIVACY AND CUSTOMER CONFIDENTIALITY

- C. RMEA-03: COLLECTIONS POLICY
- D. RMEA-04: RATE SETTING AND RATE
- E. RMEA-05: PROHIBITION AGAINST DISSEMINATION OF UNTRUE OR MISLEADING INFORMATION
- F. RMEA-06: COST CONFIDENTIALITY
- G. RMEA-07: ADVANCED METERING INFRASTRUCTURE (AMI) DATA SECURITY AND PRIVACY POLICY

Section 3. SEVERABILITY.

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 4. EFFECTIVE DATE.

That this Resolution shall take effect upon its adoption.

Section 5. CERTIFICATION.

That the City Clerk shall certify as to the adoption of this Resolution and shall cause the same to be processed in the manner required by law.


Section 6. REPEAL OF CONFLICTING PROVISIONS.

That all provisions of any resolution in effect prior to the effective date of this Resolution as adopted by the City Council that are in conflict with the provisions of this Resolution, are hereby repealed.

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PASSED, APPROVED AND ADOPTED on this 18th day of January, 2018.

CITY OF RANCHO MIRAGE




Charles Townsend, Mayor

ATTEST:



Kristie Ramos, City Clerk

APPROVED AS TO FORM:



for Steven B. Quintanilla, City Attorney
Colin Davis Kirkpatrick
Deputy City Attorney

EXHIBIT "A"

ADMINISTRATIVE POLICIES

SEE ATTACHED

**CITY OF RANCHO MIRAGE
(RANCHO MIRAGE ENERGY AUTHORITY)
Administrative Policy**

SUBJECT:			EFFECTIVE DATE:
PROTECTION OF CONFIDENTIAL INFORMATION			January 18, 2018
POLICY #:	SUPERSEDES	STAFF CONTACT	# OF PAGES:
RMEA-01	N/A		3

1.0 Purpose

The purpose of this policy ("Policy") is to establish a Protection of Confidential Information policy to protect confidential customer information associated with the Rancho Mirage Energy Authority ("RMEA"), which is a Community Choice Aggregation program owned and operated by the City of Rancho Mirage ("City").

2.0 Organizations, Departments and Programs Affected

City of Rancho Mirage
All City of Rancho Mirage Departments
Rancho Mirage Energy Authority

3.0 References

Privacy & Customer Confidentiality Policy #RMEA-02

4.0 Definitions

4.1 Confidential Information

Information that is not considered public information including but not limited to social security number, taxpayer ID number, Southern California Edison (SCE) or RMEA customer or service account information including customer name(s), service addresses, billing addresses, telephone numbers, email addresses, account numbers and electricity consumption.

4.2 Demand Response

This is a change in electricity usage based on changes in electricity market conditions (typically when pricing is peaking).

5.0 Policy

5.1 Ensuring Customer Confidentiality is Protected

To ensure that all employees protect the integrity of the City's confidential information as well as the confidentiality of others, confidential information may not be shared with unauthorized individuals within or outside of the organization

and may not be transmitted via email, except where reasonably necessary to conduct RMEA's business or provide services to customers as required by the California Public Utilities Commission (CPUC).

6.0 Procedure

- 6.1 Confidential information cannot be transmitted or forwarded to individuals within or outside of the organization who do not have an authorized need to know the information, subject to Section 5.1 of this Policy.
- 6.2 Confidential information cannot be transmitted via email, subject to Section 5.1 of this Policy.
- 6.3 Confidential information cannot be posted on the City's website.
- 6.4 Employees must lock his/her computer when leaving their computer.
- 6.5 Passwords may not be shared with any person and cannot be stored physically or digitally.
- 6.6 Documents containing confidential information must be secured at all times.
- 6.7 Documents containing confidential information must be shredded when destroyed when no longer used and as per the adopted retention schedule if applicable.
- 6.8 Employees are responsible for any action performed under their name and password.
- 6.9 Examples of reasonably necessary business purposes include but are not limited to when such disclosure is necessary to:
 - a) Comply with any law, regulation, or court order;
 - b) Enable the City to provide its RMEA services to its customers;
 - c) Collect unpaid bills;
 - d) Obtain and provide credit reporting information;
 - e) Resolve customer disputes or inquiries;
 - f) Communicate about Demand Response, energy efficiency, energy management and conservation programs; or
 - g) In situation of imminent threat to life or property, or to prevent or resolve service interruptions.
- 6.10 Failure to comply with the provisions of this policy and procedure may result in discipline up to and including termination.

Randal K. Bynder, City Manager

Date

PROTECTION OF CONFIDENTIAL INFORMATION POLICY ACKNOWLEDGEMENT

I have read the Protection of Confidential Information Policy and understand its provisions. I understand that to ensure protection of the integrity of the City's confidential information as well as the confidentiality of others, confidential information may not be shared with unauthorized individuals within or outside of the organization and may not be transmitted via email, except as reasonably necessary as set forth in the policy.

I accept responsibility for any action performed under my user name and password.

I understand that handling and use of confidential information in violation of the Protection of Confidential Information Policy may result in employee discipline, up to and including termination.

By signing this form, I agree to abide by the Policies currently in place and I agree to review periodically any changes or modifications. I understand that my regular review of policies is required.

Employee Name (Print): _____

Employee Signature: _____ Date: _____

Department Head
Signature: _____ Date: _____

(To be filed with Human Resources)

**CITY OF RANCHO MIRAGE
(RANCHO MIRAGE ENERGY AUTHORITY)
Administrative Policy**

SUBJECT: PRIVACY AND CUSTOMER CONFIDENTIALITY			EFFECTIVE DATE: January 18, 2018
POLICY #:	SUPERSEDES	STAFF CONTACT	# OF PAGES:
RMEA-02	N/A		3

1.0 Purpose:

To establish a Privacy and Customer Confidentiality Policy for Rancho Mirage Energy Authority ("RMEA"), which is a Community Choice Aggregation program owned and operated by the City of Rancho Mirage ("City").

2.0 Organizations, Departments and Programs Affected:

City of Rancho Mirage
All City of Rancho Mirage Departments
Rancho Mirage Energy Authority

3.0 References:

California Public Utilities Commission ("CPUC") Decision 97-10-031
CPUC Decision 12-08-045

4.0 Definitions:

- 4.1 Aggregate Data – has a meaning in accordance with the "15/15 Rule" as adopted by the CPUC in Decision 97-10-031.
- 4.2 Confidential Information – has a meaning in accordance with CPUC Decision 12-08-045, which extends privacy protections to customers of community choice aggregation programs.
- 4.3 Customer Data - includes individual names, addresses and electricity energy usage data of customers that is collected via Southern California Edison's (SCE) metering systems.

- 4.4 Demand Response - This is a change in electricity usage based on changes in electricity market conditions (typically when pricing is peaking).

5.0 Policy – Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information:

- 5.1 The City, its employees, agents, contractors, and affiliates shall maintain the confidentiality of the "Confidential Information" of individual customers, including name(s), service address(es), billing address(es), telephone number(s), email address(es), account number(s), social security number(s), taxpayer ID number(s), and electricity consumption information associated with the RMEA; except as reasonably necessary to conduct RMEA business operations, to provide services to customers, and/or as required by the CPUC.
- 5.2 Examples of circumstances constituting reasonably necessary disclosures, sharing, or transmitting of confidential information include, but are not limited to, when necessary to:
- a) Comply with any law, regulation, or court order;
 - b) Enable the City to provide its RMEA services to its customers;
 - c) Collect unpaid bills;
 - d) Obtain and provide credit reporting information;
 - e) Resolve customer disputes or inquiries;
 - f) Communicate about Demand Response, energy efficiency, energy management and conservation programs; or
 - g) In situation of imminent threat to life or property, or to prevent or resolve service interruptions.
- 5.3 The City shall not, under any circumstances, disclose customer Confidential Information for third-party telemarketing, email, or direct mail solicitation purposes. Aggregate Data that cannot be traced to specific customers may be released at the City's discretion.
- 5.4 The City may share Customer Data with contractors and vendors for purposes of providing services and operating programs. Contractors and vendors are required to agree to only use Customer Data for program operational purposes and protect it under the same standards as does the City. The City retains customer-specific energy usage and billing information only as long as reasonably necessary for business and legal purposes, and such retention period is typically not more than five (5) years unless otherwise required by law or regulation.

- 5.5 Notice of this policy will be provided when confirming a new customer account, and annually, inclusive of any updates or revisions to this policy, to customers via an on-bill message to guide customers to the most updated version on RMEA's website at www.RanchoMirageEnergy.org. Any changes to this policy between notification periods will be communicated through RMEA's website. Previous versions of this policy can be requested via email at CustomerService@RanchoMirageEnergy.org or by mailed request to Rancho Mirage Energy Authority, 69825 Highway 111, Rancho Mirage, CA 92270.
- 5.6 Customers having any questions or concerns regarding the collection, storage, use or distribution of customer information, or who wish to view, inquire about, or dispute any customer information held within RMEA or limit the collection, use or disclosure of such information may contact Rancho Mirage Energy Authority by phone at XXX-XXX-XXXX or via email at CustomerService@RanchoMirageEnergy.org or by mail at Rancho Mirage Energy Authority, 69825 Highway 111, Rancho Mirage, CA 92270.
- 5.7 Employees of the City shall be provided a copy of this policy, and it shall be construed and implemented by such employees consistent with Policy RMEA-01 - Protection of Confidential Information policy to protect confidential customer information.

Randal K. Bynder, City Manager

Date

**CITY OF RANCHO MIRAGE
(RANCHO MIRAGE ENERGY AUTHORITY)
Administrative Policy**

SUBJECT: COLLECTIONS POLICY			EFFECTIVE DATE: January 18, 2018
POLICY #: RMEA-03	SUPERSEDES N/A	STAFF CONTACT	# OF PAGES: 2

1.0 Purpose

To establish a collections and write off policy for the Rancho Mirage Energy Authority ("RMEA"), which is a Community Choice Aggregation program owned and operated by the City of Rancho Mirage ("City").

2.0 Organizations and Programs Affected

City of Rancho Mirage
Rancho Mirage Energy Authority

3.0 References

None

4.0 Definitions

4.1 RMEA Charges

The generation line item and other line items attributable to participation in the RMEA program on the SCE bill of RMEA customers.

4.2 Collections

Recovery of amounts past due for RMEA charges owed by RMEA customers to the City.

4.3 Collections Agency or "Agency"

A business contracted by the City or through California Choice Energy Authority ("CCEA"), to pursue Collections.

5.0 Policy

- 5.1 Any customer who has overdue RMEA Charges will receive a letter from the City after 120 to 150 days informing them of their overdue status and the methods available to pay the overdue RMEA Charges.
- 5.2 Any overdue RMEA Charges totaling \$20.00 or more which have not been paid by the customer and are no longer being collected by SCE will be provided to the Collections Agency for settlement.
- 5.3 Any overdue RMEA Charges totaling \$19.99 or less which have not been paid by the customer and are no longer being collected by SCE will be considered bad debt and written off.
- 5.4 Interest will not be charged on any customer account.
- 5.5 If customer has not paid within 180 days following the initiation of the collections process, Agency will file credit reporting information on the customer with all applicable agencies.
- 5.6 Collections Agency will be authorized to pursue legal action on any customer with an outstanding balance of \$750 or more.
- 5.7 After customer has paid overdue amounts Collections activity will terminate for that customer.

Approved:

Randal K. Bynder, City Manager

Date

**CITY OF RANCHO MIRAGE
(RANCHO MIRAGE ENERGY AUTHORITY)
Administrative Policy**

SUBJECT: RATE SETTING AND RATE STABILIZATION POLICY			EFFECTIVE DATE: January 18, 2018
POLICY #: RMEA-04	SUPERSEDES N/A	STAFF CONTACT	# OF PAGES: 2

1.0 Purpose

To establish the rate setting policy for the Rancho Mirage Energy Authority ("RMEA"), which is a Community Choice Aggregation program owned and operated by the City of Rancho Mirage ("City"), ensuring long term rate stability and financial viability as an on-going concern.

2.0 Organizations and Programs Affected

City of Rancho Mirage
Rancho Mirage Energy Authority

3.0 References

None

4.0 Definitions

4.1 Rates

Amount charged to RMEA customers for electricity generation usage per kWh.

5.0 Policy

5.1 Rates are to be set to ensure sufficient revenues are generated to cover annual expenditures, provide an operating reserve and contribute to the rate stabilization reserve.

5.2 Rates are to be reviewed at least annually with the budget process.

Approved:

Randal K. Bynder, City Manager

Date

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**CITY OF RANCHO MIRAGE
(RANCHO MIRAGE ENERGY AUTHORITY)
Administrative Policy**

SUBJECT: PROHIBITION AGAINST DISSEMINATION OF UNTRUE OR MISLEADING INFORMATION			EFFECTIVE DATE: January 18, 2018
POLICY #: RMEA-05	SUPERSEDES N/A	STAFF CONTACT	# OF PAGES: 1

1.0 Purpose:

To establish a policy in compliance with California Public Utilities Code Section 396.5

2.0 Organizations and Programs Affected:

City of Rancho Mirage ("City")
Rancho Mirage Energy Authority ("RMEA")

3.0 References:

California Public Utilities Code Section 396.5

4.0 Policy:

Dissemination by any City employees, officials, representatives or agents of any statement relating to RMEA's rates or terms and conditions of service that is untrue or misleading, and that is known, or that, by the exercise of reasonable care, should be known, to be untrue or misleading is strictly prohibited.

Individuals who violate this policy may be subject to corrective action.

Approved

Randal K. Bynder, City Manager

Date

**CITY OF RANCHO MIRAGE
(RANCHO MIRAGE ENERGY AUTHORITY)
Administrative Policy**

SUBJECT: COST CONFIDENTIALITY			EFFECTIVE DATE: January 18, 2018
POLICY #: RMEA-06	SUPERSEDES N/A	STAFF CONTACT	# OF PAGES: 5

1.0 Purpose

To protect the market sensitive data of Rancho Mirage Energy Authority ("RMEA"), which is a Community Choice Aggregation program owned and operated by the City of Rancho Mirage ("City").

2.0 Organizations, Departments and Programs Affected

City of Rancho Mirage
All City of Rancho Mirage Departments
Rancho Mirage Energy Authority

3.0 References

California Government Code Section 6255 (part of Public Records Act)

4.0 Definitions

- 4.1** Market Sensitive Data
Data that reveals the cost of volume of energy and energy products contracted under a certain agreement.
- 4.2** Customer
Rancho Mirage Energy Authority Customer
- 4.3** Energy Service Provider
A vendor of energy from conventional or renewable sources
- 4.4** Redacted Contracts
Contracts that have market sensitive and/or utility usage data blacked out

5.0 Background

5.1 In determining if a contract contains Market Sensitive Data, the City weighs the interest of its customers against the public's right to receive precise pricing information. The City's ability to get the most favorable pricing would be impacted if other Energy Service Providers had full knowledge of what the City pays for energy. Disclosure of specific details would impact the City's flexibility in negotiation of future contracts. If the City did not keep Market Sensitive Data confidential, its ability to negotiate the most favorable pricing would be hampered and the City would not be able to secure the most favorable rates for its Customers.

6.0 Policy

6.1 It is the policy of the City to maintain the confidentiality of all Market Sensitive Data in order to ensure that Customers are not disadvantaged relative to other market participants. In accordance with Government Code Section 6255, the City may justify withholding any record by demonstrating the public interest in nondisclosure outweighs the public interest in disclosure.

7.0 Procedure

7.1 City Clerk will receive all contracts with Market Sensitive Data redacted. All contracts submitted to the City Clerk will have a cover sheet indicating redacted or non-redacted (Exhibits B and C for examples). Redacted Contracts are available to the public.

7.2 Contracts with non-redacted Market Sensitive Data is made available to the public either 3 years after contract execution for those contracts with terms of 5 years or greater, or 1 year after contract termination for those contracts with terms of less than 5 years.

7.3 All requests for Redacted Contracts will have a response letter issued to them stating the reason for non-disclosure (see Exhibit A for example).

Randal K. Bynder, City Manager

Date

Exhibit A

Sample Letter

Dear _____,

In response to your request dated _____, the City has determined that the information requested contains market sensitive data. In accordance with Policy No. RMEA-06, copies of executed contracts are available to the public with market sensitive data redacted.

In determining if an agreement contains market sensitive data, the City weighs the interests of its customers against the public's right to receive precise pricing information. The City believes it is necessary to protect sensitive market data to secure the most favorable pricing, and therefore the most favorable rates for Rancho Mirage Energy Authority customers.

City Clerk
City of Rancho Mirage

Exhibit B

CONTRACT: _____

PER POLICY # RMEA-06

REDACTED COPY FOR PUBLIC DISCLOSURE

Exhibit C

CONTRACT: _____

PER POLICY # RMEA-06

NON-REDACTED COPY

NOT FOR PUBLIC DISCLOSURE UNTIL _____

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**CITY OF RANCHO MIRAGE
(RANCHO MIRAGE ENERGY AUTHORITY)
Administrative Policy**

SUBJECT: ADVANCED METERING INFRASTRUCTURE (AMI) DATA SECURITY AND PRIVACY POLICY			EFFECTIVE DATE: January 18, 2018
POLICY #: RMEA-07	SUPERSEDES N/A	STAFF CONTACT	# OF PAGES: 5

1.0 Purpose

To ensure the privacy and security of AMI data and customer usage information for Rancho Mirage Energy Authority ("RMEA"), which is a Community Choice Aggregation program owned and operated by the City of Rancho Mirage ("City").

2.0 Organizations, Departments and Programs Affected

City of Rancho Mirage
All City of Rancho Mirage Departments
Rancho Mirage Energy Authority

3.0 References

California Public Utilities Commission ("Commission") Decision 12-08-045

4.0 Definitions

4.1 Advanced Metering Infrastructure ("AMI") Data

Data collected from systems that measure, collect and analyze energy usage, and communicate with metering devices such as electricity meters, either on request or on a schedule. These systems generally include hardware, software, communications, consumer energy displays and controllers, customer associated systems, Meter Data Management software, and supplier business systems.

4.2 Aggregate Usage Data

Customers energy usage and usage-related data (such as billing, program participation, or account information) that has been summed, averaged, or otherwise processed such that the result does not contain information at the

level of individual customers and an individual customer cannot reasonably be re-identified.

4.3 Covered Information – Customer Information

Any usage information obtained through the use of the capabilities of AMI when associated with any information that can reasonably be used to identify an individual, family, household or residence, or non-residential customer, except that Covered Information does not include usage information from which identifying information has been removed such that an individual, family, household, or residence, or non-residential customers cannot reasonably be identified or re-identified. Covered Information, however, does not include information provided to the Commission pursuant to its oversight responsibilities.

4.4 Primary Purposes

The “Primary Purposes” for the collection of storage, use or disclosure of Covered Information are to:

- Provide or bill for electrical power,
- Provide for system, grid or operational needs,
- Provide services as required by state, or federal laws or as specifically authorized by an order of the Commission, or
- Plan, implement, or evaluate demand response, energy management, or energy efficiency programs under contract with a Community Choice Aggregator or an Electrical Services Provider (when providing service to residential or small commercial customers), under contract with the Commission, or as part of a Commission authorized program conducted by a governmental entity under the supervision of the Commission.

4.5 Secondary Purpose

Secondary Purpose means any purpose that is not a Primary Purpose.

5.0 Policy

5.1 The City shall implement reasonable administrative, technical, and physical safeguards to protect Covered Information from unauthorized access, destruction, use, modification or disclosure.

5.2 The City and third parties shall provide reasonable training to all employees and contractors who use, store, or process Covered Information.

5.3 The City shall collect, store, use, and disclose only as much Covered Information as is reasonably necessary or as authorized by the Commission to accomplish a specific Primary Purpose.

6.0 Procedure

Transparency and Notification

- 6.1 The City shall provide customers with meaningful, clear, accurate, specific, and comprehensive notice regarding the accessing, collection, storage, use and disclosure of AMI data; provided, however, that the City is using AMI data solely for a Primary Purpose on behalf of and under contract with utilities to which it is not required to provide notice separate from that provided by the utility.
- 6.2 The City shall provide written notice when confirming a new customer account and at least once per year. The notice shall inform customers how they may obtain a copy of the City's notice regarding the accessing, collection, storage, use and disclosure of AMI data and shall provide a conspicuous link to the notice on the home page of the RMEA website and include a link to its notice in electronic correspondence to customers.
- The notice shall be labeled Notice of Accessing, Collecting, Storing, Using and Disclosing Energy Usage Information and shall be written in easily understandable language and be no longer than is necessary to convey the requisite information.
 - The notice and the posted privacy policy shall state clearly the identity of the City, the effective date of the notice or posted privacy policy, the City's process for altering the notice or posted privacy policy including how the customer will be informed of any alterations and where prior versions will be made available to customers, and the title and contact information including email address, postal address, and telephone number of a City official who can assist the customer with privacy questions, concerns, or complaints regarding the collection, storage, use, or distribution of Covered Information.
 - The notice shall provide an explicit description of each category of Covered Information collected, used, stored, or disclosed, and for each category of Covered Information, the reasonably specific purpose for which it will be collected, stored, used, or disclosed, each category of Covered Information that is disclosed to third parties, and, for each such category, a description of the means by which customers may view, inquire about, or dispute their Covered Information, and the means, if any, by which customers may limit the collection, use, storage, or disclosure of Covered Information and the consequences to customers if they exercise such limits.

- 6.3 The City shall provide to customers upon request convenient and secure access to their Covered Information in an easily readable format that is at a level no less detailed than that at which the covered entity discloses the data to third parties.

Use, Disclosure, and Customer Authorization

- 6.4 The City may disclose Covered Information without customer consent to a third party acting under contract with the Commission for the purpose of providing services authorized pursuant to an order or resolution of the Commission or to a governmental entity for the purpose of providing energy efficiency or energy efficiency evaluation services pursuant to an order or resolution of the Commission.
- 6.5 The City may disclose Covered Information to a third party without customer consent when explicitly ordered to do so by the Commission, or for a Primary Purpose being carried out under contract with and behalf of the City provided that the covered entity disclosing the data shall, by contract, require the third party to agree to access, collect, store, use, and disclose the Covered Information under policies, practices, and notification requirements no less protective than those under which the covered entity itself operates.
- 6.6 Any entity that receives Covered Information derived initially from the City may disclose such Covered Information to another entity without customer consent for a Primary Purpose, provided that the entity disclosing the Covered Information shall, by contract, require the entity receiving the Covered Information to use the Covered Information only for such Primary Purpose and to agree to store, use, and disclose the Covered Information under policies, practices, and notification requirements no less protective than those under which the covered entity from which the Covered Information was initially derived operates.
- 6.7 When the City discloses Covered Information to a third party under this subsection it shall specify by contract, unless otherwise ordered by the Commission, that it shall be considered a material breach if the third party engages in a pattern or practice of accessing, storing, using, or disclosing the Covered Information in violation of the third party's contractual obligations to handle the Covered Information under policies no less protective than those under which the covered entity from which the Covered Information was initially derived operates.
- 6.8 If the City finds that a third-party to which it disclosed Covered Information is engaged in a pattern or practice of accessing, storing, using, or disclosing Covered Information in violation of the third party's contractual obligations

related to handling Covered Information, the City shall promptly cease disclosing Covered Information to such third party.

- 6.9 Separate authorization by each customer must be obtained for all disclosures of Covered Information except as provided for herein.
- 6.10 The City shall permit customers to cancel authorization for any Secondary Purpose of their Covered Information by the same mechanism initially used to grant authorization.
- 6.11 The City shall permit the use of Aggregate Usage Data that is removed of all personally-identifiable information to be used for analysis, reporting, or program management provided that the release of that data does not disclose or reveal specific customer information because of the size of the group, rate classification, or nature of the information.

Randal K. Bynder, City Manager

Date

CERTIFICATION


STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

CITY OF RANCHO MIRAGE)

I, Kristie Ramos, City Clerk of the City of Rancho Mirage, California, do hereby certify that Resolution No. 2018-03 was duly adopted by the City Council of the City of Rancho Mirage, California, at a regular meeting thereof held on the 18th day of January 2018, by the following vote:

AYES: Hobart, Kite, Townsend, Weill.
NOES: None.
ABSENT: None.
ABSTAIN: Smotrich.



Kristie Ramos
City Clerk