

AGENDA ITEM
CITY COUNCIL MEETING: AUGUST 18, 2009
CONSENT CALENDAR

DATE : July 24, 2009
TO : City Manager
FROM : Director of Public Works and Community Development
SUBJECT : **SECOND READING AND ADOPTION OF AN ORDINANCE
ESTABLISHING A COMMUNITY SUSTAINABILITY
COMMISSION**

RECOMMENDATION:

Adopt the ordinance adding a new Chapter 2.108 establishing the Community Sustainability Commission.

EXECUTIVE SUMMARY:

At its July 21, 2009 meeting, the City Council introduced an ordinance to establish a Community Sustainability Commission. The minor changes requested by the Council have been made to this ordinance. If adopted, the commission appointments could occur as soon as the second Council meeting of October, if notice of openings on the commission is given before the effective date of the ordinance.

GENERAL PLAN:

Sustainability is the overarching goal of the General Plan; relevant Goals and Policies include but are not limited to:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety and quality of life
- Goal 2.36: Ensure an adequate water supply for current and future residents and businesses
 - Policy 2.36.3: Implement measures to reduce water consumption
 - Policy 2.36.4: Encourage public and private uses to minimize water use and to recycle processed water whenever and wherever feasible
- Goal 2.42: Enhance the recycling of solid waste
 - Policy 2.42.1: Strive to accomplish the mandated objectives of the California Integrated Waste Management Act

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
 - Strategy #1: Reduce greenhouse gas emissions and energy consumption
 - Strategy #2: Implement new water conservation projects/programs
 - Pursue and adopt sustainable practices
 - Protect air quality
- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
 - Strategy #3: Continue and expand business support tools and policies that balance sustainability with economic vitality

BUDGET INFORMATION:

The estimated annual expense of \$75,000 to staff the commission will be fully funded for FY 09-10 with funds from the 2008 Valero Improvement Project (VIP) Settlement Agreement. Projects that the Commission oversees could be eligible for additional VIP Settlement Agreement funds, federal stimulus dollars, and/or other grants.

BACKGROUND:

At the introduction the Council requested some minor modifications to the ordinance. These changes include:

1. Adding a "Whereas" clause to recognize the City's adopted greenhouse gas reduction goals.
2. Adding a "Whereas" clause to incorporate the relationship with historic resources.
3. Deleting the "Whereas" clause about industrial and commercial sectors.
4. Establishing the commission with seven members.
5. Modifying the purpose statement.
6. Adding a definition section for "sustainability".
7. Modifying the categories of expertise or interest that commission members should have.
8. Clarifying the ex officio members qualifications including that they can only represent one of the ex officio categories.
9. Changing the time to 7 pm.
10. Amending the duties section to refer to the Climate Action Plan and the City's Strategic Plan performance measures.
11. Amending the duties section to add an annual report requirement.
12. Amending the duties section to add a requirement to make recommendations to the Council about grants and funding.

Please note the term of office for the adult members and student member has been incorporated into a second ordinance so that the format of the general standards for commissions will be maintained. That ordinance is a separate agenda item.

Since this is the second reading, no other changes should be made except for clerical corrections. If further changes are desired the ordinance should be reintroduced. If adopted, the ordinance will be effective in 30 days. The commission cannot be seated until the ordinance is effective. In the meantime, the positions on the commission could be advertised to allow the commission to be seated as soon as possible.

Attachment:

- Draft Ordinance

DRAFT ORDINANCE

CITY OF BENICIA

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 2.60.120 (APPLICATION) OF CHAPTER 2.60 (ADVISORY BODIES) BY ADDING A NEW SUBSECTION L. AND ADDING A NEW CHAPTER 2.108 (COMMUNITY SUSTAINABILITY COMMISSION) TO DIVISION 2 (BOARDS AND COMMISSIONS) OF TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

WHEREAS, the City of Benicia General Plan states that “community development and sustainability are at the heart of the goals developed in [the] General Plan”, and the city has joined Local Governments for Sustainability (ICLEI), and has declared energy efficiency and climate protection planning a concern of top priority, and has joined the US Council of COOL Mayors, and prepared a greenhouse gas inventory and adopted greenhouse gas reduction targets on September 16, 2008, and is finalizing a climate action plan; and

WHEREAS, the City of Benicia has adopted greenhouse gas reduction goals of:

- 25% below 2000 level in 20140 for City Operations
- Maintain 2005 level in 2010 for the Community
- 33% below 2000 levels in 2020 for City Operations
- 10% below 2000 levels by 2020 for the Community;

WHEREAS, State of California Assembly Bill 32 (Nunez) – The Global Warming Solutions Act of 2006, states that global warming “poses a serious threat to the economic well-being, public health, natural resources, and the environment of California”, AND aims to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020 - a reduction of approximately 25 percent; and

WHEREAS, State of California Senate Bill 375 (Steinberg) requires that communities reduce greenhouse gases by addressing emissions from the transportation and land use sector by coordinating Regional Transportation Plans, Regional Housing Needs Allocation (RHNA) and General Plan Housing; and

WHEREAS, the U.S. holds only 2% of world oil reserves yet consumes 25% of world oil production thus demonstrating an undue reliance on a shrinking resource; AND the burning of fossil fuels is considered one of the chief contributors of global warming; and

WHEREAS, the San Francisco Bay Conservation and Development Commission (‘BCDC’) in 2006 began to develop a strategic plan to evaluate and address consequences of a potential 1 meter sea level rise by year 2100, and yet the BCDC is now adapting their strategic plan for a potential 1.4 meter sea level rise based on the

latest data indicating that the melting of glaciers and the Greenland and Antarctic ice sheets is occurring faster than expected; and

WHEREAS, Benicia's air quality is negatively affected by local and regionally produced pollution, including emissions from businesses and industry, vehicle and ship traffic, and in 2001, the State of California's health survey identified Solano County as having the highest asthma rates in the State with 14.1 percent asthma symptom prevalence; and

WHEREAS, The National Trust for Historic Preservation and the California State Office of Historic Preservation encourages retention and adaptive reuse of historic buildings as a beneficial "green" practice. Retention and adaptive reuse of these buildings preserves the materials, embodied energy, and human capital already expended in their construction. Actions of the Sustainability Commission shall support the tenets of historic preservation and the achievement of projects in compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties; and

WHEREAS, sustainable finance mechanisms, including those associated with energy efficiency and renewable energy, are a critically important element of developing a healthy and responsible community empowerment infrastructure, for which new avenues of public, private and nonprofit funding are becoming more readily available; and

WHEREAS, Benicia strives to provide regional leadership as a partner in the development of integrated sustainability solutions that reach across geographic boundaries; and

WHEREAS, becoming an ecologically sustainable city improves local and regional public health, community well-being, environmental protection and quality of life.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

Section 1.

Section 2.60.120 (Application) of Chapter 2.60 (Advisory Bodies) of Division 2 (Boards and Commissions) of Title 2 (Administration and Personnel) is amended by adding a new subsection L. to read as follows:

- L. Community sustainability commission.

Section 2.

Division 2 (Boards and Commissions) of Title 2 (Administration and Personnel) of the Benicia Municipal Code is amended by adding a new Chapter 2.108 (Community Sustainability Commission) to read as follows:

Chapter 2.108

COMMUNITY SUSTAINABILITY COMMISSION

Sections:

- 2.108.010 Established – Membership.
- 2.108.020 Purpose.
- 2.109.030 Definitions.
- 2.108.040 Members – Qualification.
- 2.108.050 Members – Ex officio.
- 2.108.060 Meeting time and place.
- 2.108.070 Officers – Appointment.
- 2.108.080 Officers – Duties.
- 2.108.090 Duties.

2.108.010 Established – Membership. The community sustainability commission is established in the city. The commission consists of seven voting members, one of whom shall be a high school student.

2.108.020 Purpose. The purpose of the commission is to educate, advocate and provide oversight for integrated solutions that seek a sustainable equilibrium for economic, ecological, and social health and well-being, both now and in the future.

2.108.030 Definitions. "Sustainability", as defined by the Benicia General Plan and by the World Commission on Environment and Development (aka 1987 Brundtland Commission), is meeting the needs of the present generation without compromising the ability of future generations to meet their needs. Sustainability is an evolving concept and the definition will evolve over time.

2.108.040 Members – Qualification.

A. Each member of the community sustainability commission shall have expertise and/or demonstrated interest in one or more of the following areas:

- i. Water quality, water use efficiency and conservation
- ii. Air quality
- iii. Local and regional ecology
- iv. Energy
- v. Transportation
- vi. Land use/stewardship
- vii. Green site planning and building
- viii. Waste management
- ix. Community and regional economics/finance
- x. Social justice
- xi. Public relations
- xii. Local based business management (merchants, etc)

B. One member of the commission shall be a high school student with junior or senior standing who resides in Benicia.

2.108.050 Members – Ex-officio. The commission shall have nonvoting ex officio members from:

- i. Benicia Unified School District
- ii. Valero Refinery
- iii. Amports
- iv. Good Neighbor Steering Committee

To increase participation, an ex officio member may only represent one of the above categories.

2.108.060 Meeting time and place. The commission shall meet on the third Monday of every other month (bimonthly, 6 times per year) at the hour of 7:00 p.m. in the Commission Room, City Hall, 250 East L Street, Benicia, California.

2.108.070 Officers – Appointment. The commission shall elect a chairperson and a vice-chairperson from among its members. The chairperson and vice-chairperson serve for a term of one year and until the successor of each takes office. The commission shall also appoint a secretary. The secretary need not be a member of the commission.

2.108.080 Officers – Duties.

A. Chairperson. The chairperson shall preside at all meetings of the commission, appoint all committees, and perform the duties necessary or incidental to that office.

B. Vice-chairperson. The vice-chairperson is chairperson in the absence of the chairperson or in case of the inability of the chairperson to act.

C. Secretary. The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chairperson voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns.

2.108.090 Duties. The commission shall:

A. Advise the city council on implementation of the Benicia Climate Action Plan and related City Strategic Plan performance measures, as appropriate.

B. Provide recommendations regarding the distribution of climate action and water conservation funds from the 2008 Valero Improvement Plan Settlement Agreement and from future funding sources allocated to support the efforts of making Benicia a more sustained community with reference to the Climate Action Plan.

C. Advise the city council on matters related to sustainability, climate change and greenhouse gas reductions, including recommendations on forthcoming innovative programs and amendments to the Climate Action Plan, if necessary.

D. Facilitate public outreach, education and collaboration with regards to community sustainability to guide Benicia's transition towards being a sustainable, economically vibrant, and green community.

E. Prepare an Annual Report to city council on implementation of this chapter.

F. Make recommendations to the city council regarding funding, including the search for private and public grants consistent with the needs of the community.

Section 3.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

On motion of Council Member _____, seconded by Council Member _____, the foregoing ordinance was introduced at a regular meeting of the City Council on the 21st day of July, 2009, and adopted at a regular meeting of the Council held on the _____ day of _____, 2009, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk