

ORDINANCE NUMBER O- 21004 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 26 2018

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 14 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.1404; AND AMENDING CHAPTER 2, ARTICLE 2 BY ADDING NEW DIVISION 54, SECTION 22.5401, ESTABLISHING THE SUSTAINABILITY DEPARTMENT AS A CITY DEPARTMENT IN THE ADMINISTRATIVE CODE.

WHEREAS, the Mayor has recommended establishing the Sustainability Department as a new City department in the Fiscal Year 2019 City Budget; and

WHEREAS, this ordinance establishes a new City department named the Sustainability Department to facilitate efforts across multiple City departments to implement the City's Climate Action Plan and to manage energy use and sustainability programs; and

WHEREAS, San Diego Charter (Charter) section 26 requires an Administrative Code, which has been codified in Chapter 2, Article 2 of the San Diego Municipal Code, to be consistent with other ordinances providing for the detailed powers and duties of all City administrative offices and departments; and

WHEREAS, under Charter section 26, Council must approve by a two-thirds vote an ordinance to establish new departments or combine existing departments in the Administrative Code; and

WHEREAS, energy use and sustainability programs are currently managed by the Environmental Services Department, and those functions will be placed instead under the Sustainability Department; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 2, Division 14 of the San Diego Municipal Code is amended by amending section 22.1404 to read as follows:

**§ 22.1404 Environmental Services Department**

- (a) The Environmental Services Department is a City department. The department is responsible for providing residential refuse and recycling collection; pursuing waste reduction; and managing City landfills.
- (b) [No change in text.]
- (c) The Environmental Services Department, under the direction of the City Manager, with policy direction from the City Council, is responsible for performing those duties and functions assigned and directed by the City Manager, including refuse and recycling collection services; managing the City's solid waste franchise system; operating and maintaining active and inactive City landfills; maintaining and monitoring City-owned underground storage tanks; overseeing hazardous materials management at City facilities; collection and proper disposal of household hazardous waste; asbestos, lead and mold inspection and abatement services for City facilities; code enforcement services for waste-related activities and lead paint hazards.

Section 2. That Chapter 2, Article 2, of the San Diego Municipal Code is amended by adding new division 54, section 22.5401, to read as follows:

**Division 54: Sustainability Department**

**§ 22.5401 Sustainability Department**

- (a) The Sustainability Department is a City department. The department is responsible for implementing the City's Climate Action Plan and for overseeing the City's energy use and sustainability programs.
- (b) The Director is the administrative head of the department and is appointed by, and may be removed by, the City Manager. The Director is the appointing authority of all personnel authorized in the department.
- (c) The Sustainability Department, under the direction of the City Manager, with policy direction from the City Council, is responsible for performing those duties and functions assigned and directed by the City Manager, including facilitating innovative efforts across multiple City departments to enhance economic, social, and environmental sustainability.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By Frederick M. Ortlieb  
Frederick M. Ortlieb  
Deputy City Attorney

FMO:jdf  
09/10/18  
Or.Dept:Mayor  
Doc. No.: 1751077\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 23 2018.

ELIZABETH S. MALAND  
City Clerk

By Linda Bruin  
Deputy City Clerk

Approved: 10/26/18  
(date)

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

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**§ 22.1404 Environmental Services Department**

- (a) The Environmental Services Department is a City department. The department is responsible for providing residential refuse and recycling collection; pursuing waste reduction; and managing City landfills; ~~and overseeing the City's energy use and sustainability programs.~~
- (b) [No change in text.]
- (c) The Environmental Services Department, under the direction of the City Manager, with policy direction from the City Council, is responsible for performing those duties and functions assigned and directed by the City Manager, including refuse and recycling collection services; managing the City's solid waste franchise system; operating and maintaining active and inactive City landfills; maintaining and monitoring City-owned underground storage tanks; overseeing hazardous materials management at City facilities; collection and proper disposal of household hazardous

waste; asbestos; lead and mold inspection and abatement services for City facilities; and code enforcement services for waste-related activities and lead paint hazards; ~~and energy conservation and sustainability initiative.~~

**Division 54: Sustainability Department**

**§ 22.5401 Sustainability Department**

- (a) The Sustainability Department is a City department. The department is responsible for implementing the City's Climate Action Plan and for overseeing the City's energy use and sustainability programs.
- (b) The Director is the administrative head of the department and is appointed by, and may be removed by, the City Manager. The Director is the appointing authority of all personnel in the department.
- (c) The Sustainability Department, under the direction of the City Manager, with policy direction from the City Council, is responsible for performing those duties and functions assigned and directed by the City Manager, including facilitating innovative efforts across multiple City departments to enhance economic, social, and environmental sustainability.

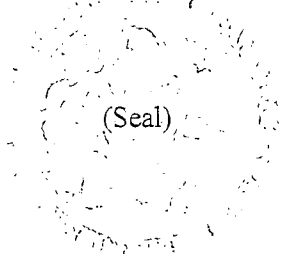
FMO:jdf  
09/10/18  
Or.Dept: Mayor  
Doc. No.: 1831681

Passed by the Council of The City of San Diego on OCT 23 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 26 2018

AUTHENTICATED BY:



(Seal)

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 09 2018

OCT 26 2018

, and on

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

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