

Item # 54
3/14/23

(O-2023-108 REV.)

ORDINANCE NUMBER O- 21624 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 17 2023

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6, DIVISION 00 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 26.04 AND BY ADDING NEW SECTIONS 26.40 AND 26.41 RELATING TO ESTABLISHING THE CLIMATE ADVISORY BOARD AND DISBANDING THE SUSTAINABLE ENERGY ADVISORY BOARD.

WHEREAS, the City of San Diego (City) currently has separate boards advising on environmental, climate, and sustainability-related issues; and

WHEREAS, the Sustainable Energy Advisory Board was established in San Diego Municipal Code section 26.04 to “serve as an advisory body to the Mayor, City Council, and City Manager on energy policy and future energy needs for the metropolitan San Diego area and to assist the City’s attainment of its energy independence and renewable energy goals;” and

WHEREAS, the Sustainable Energy Advisory Board, which held its last meeting in August 2020, currently has six members who are serving on expired terms and five vacant seats; and

WHEREAS, the update to the City’s Climate Action Plan (CAP) broadens the City’s sustainable energy needs, highlights the nexus between energy, the environment, and the City’s climate goals and warrants new perspectives on the City’s overarching goals related to climate, environment, environmental justice, climate equity, sustainability, and energy policy beyond the jurisdiction currently assigned to the Sustainable Energy Advisory Board; and

WHEREAS, this Ordinance would disband the Sustainable Energy Advisory Board by repealing San Diego Municipal Code section 26.04 which established that board; and

WHEREAS, under San Diego Charter section 43(a) the Council of the City of San Diego (Council) may by ordinance create and establish advisory boards; and

WHEREAS, the Council now desires to create a new citizens' advisory board named the Climate Advisory Board (Board) to advise the Mayor and Council on climate, environment, environmental justice, climate equity, sustainability, and energy policy for the City and to assist the City in implementing the CAP and attaining the City's stated goals in these areas; and

WHEREAS, the newly established Board will continue the work currently being done by the Sustainable Energy Advisory Board while also adding subject matter areas that were not within that board's jurisdiction, related to the overarching climate, environmental, and sustainability purposes of that Board; and

WHEREAS, the Board will advise the Mayor, Council, and relevant City departments on climate, environment, environmental justice, climate equity, sustainability, and energy policy for the City and will assist the City in implementing the CAP and attaining the City's stated goals in these areas; and

WHEREAS, the Board will develop recommendations on how the City can engage residents, communities, and non-governmental organizations to guide the implementation of the Climate Action Plan and other relevant plans or strategies, and how the City can engage in climate issues at the state or national levels; and

WHEREAS, the Board will function as a primary channel of communication between the City, and residents, communities, and stakeholders, seek participation by regional businesses, political leaders, and public interest groups on climate, climate equity, and renewable energy uses, hold public forums for community and stakeholder input, and provide periodic reports to the Environment Committee; and

WHEREAS, the Board will advise on potential public-private partnerships or pilot programs that advance the City's sustainability and energy goals; and

WHEREAS, the Board will receive and review updates on climate and energy related contracts and agreements serving City residents, including the Franchise Compliance Review Committee, as appropriate; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. Chapter 2, Article 6, Division 00 of the San Diego Municipal Code is amended by repealing section 26.04 and adding new sections 26.40 and 26.41 to read as follows:

§26.40 Climate Advisory Board

(a) Purpose and Intent

It is the purpose and intent of the City Council to establish a Climate Advisory Board to serve as an advisory body to the Mayor and the City Council on policies and issues related to climate, environment, environmental justice, energy justice, climate equity, sustainability, and energy policy for the City of San Diego and to assist the City in implementing the Climate Action Plan and attaining the City's stated goals in these areas. The Board shall develop a cooperative and supportive atmosphere on behalf of the climate, environmental, renewable energy and environmental justice stakeholders and communities in relation to the City and its implementation of the Climate Action Plan, climate equity programs, sustainability efforts, renewable energy development, and related activities.

(b) Climate Advisory Board Established

There is hereby established a Climate Advisory Board consisting of 15 members, who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the City Council.

(c) Qualification of Members

- (1) In nominating, appointing, and confirming members, the Mayor and City Council shall give preference to those: having expertise in decarbonization, mobility or planning, land use, public health related to climate change, climate or environmental science, or finance or economics; or those representing labor organizations, the renewable energy industry, environmental or energy justice organizations, zero waste or circular economy, as those terms are used in the Climate Action Plan, the clean technology industry, youth climate leadership, or citizen of a federally recognized tribe. For purposes of this section, environmental or energy justice organizations mean organizations that address historical inequities suffered by people of color and marginalized communities to allow everyone to fairly share the same benefits and burdens of climate solutions and development, implementation, and enforcement of environmental laws, regulations, and policies to attain full and equal access to opportunities, and youth climate leadership means a person 25 years of age or younger with a demonstrated leadership role in climate change advocacy.

- (2) The Mayor shall appoint six members, giving preference to those with the qualifications set forth in section 26.40(c)(1) above.
- (3) The Mayor shall appoint the remaining nine members to represent each Council district based on nominations provided by each Councilmember. Preference shall be given to nominees with the qualifications set forth in section 26.40(c)(1) above.
- (4) Board membership should generally be representative of San Diego's demographic composition, including diversity of background and experience. At least five members should primarily reside or work in Communities of Concern, as designated by the City's Climate Equity Index.
- (5) No member shall be employed by or otherwise contracted or hired by, or serve on the board of directors of, any for-profit businesses serving in a major contracting role with the City of San Diego. For purposes of this section, major contracting role means major public works contracts; contracts for goods or contracts for services that provide for expenditure of an amount greater than \$1,000,000 as awarded; consultant contracts that provide for expenditure of an amount greater than \$500,000 as awarded; any franchise agreement or contract pursuant to Charter sections 103, 103.1, 104, and 105, or any combination of major public works contracts, minor public works contracts, contracts for goods, contracts for services, or consultant contracts, when the sum of expenditures for

such contracts exceeds \$3,000,000. The terms major public works contract, minor public works contract, contract for goods, contract for services, and consultant contract have the same meaning as in San Diego Municipal Code section 22.3003.

(d) Terms

- (1) Members shall serve two-year terms, and each member shall serve until a successor is duly appointed and confirmed. Members are limited to a maximum of eight consecutive years. Appointments shall be made in such a manner that the terms of not more than eight members shall expire in any year.
- (2) Initial members shall be appointed in a manner to allow the terms to be staggered. For the initial appointments, eight members shall be appointed to two-year terms, and seven members shall be appointed to one-year terms. Initial appointments that are less than the full term of two years shall not have the initial term count for purposes of the eight-year limit.
- (3) The expiration date of all terms shall be August 1. Any vacancy shall be filled for the remainder of the unexpired term.
- (4) The Board shall select from among its members a Chair, Vice Chair, Secretary, and any other positions it chooses to define.

§26.41 Climate Advisory Board – Duties and Functions

The Climate Advisory Board shall:

- (a) Advise the Mayor, City Council, and relevant City departments on climate, environment, environmental justice, climate equity, sustainability, and energy policy for the City and assist the City in implementing the Climate Action Plan and attaining the City's stated goals in these areas.
- (b) Develop recommendations on how the City can engage residents, communities, and non-governmental organizations to guide the implementation of the Climate Action Plan and other relevant plans or strategies, and how the City can engage in climate issues at the state and federal levels.
- (c) Function as a primary channel of communication between the City and the residents, communities, and stakeholders; seek participation by regional businesses, political leaders, government agencies, and public interest groups on climate, climate equity, and renewable energy uses; hold public forums for public and stakeholder input; and provide periodic reports to the Environment Committee.
- (d) Advise on potential public-private partnerships or pilot programs that advance the City's sustainability and energy goals.
- (e) Advise on innovative mechanisms and efficiencies to accelerate renewable energy deployment.
- (f) Receive and review updates on climate and energy related contracts and agreements serving City residents, including the Franchise Compliance Review Committee as appropriate.

- (g) Coordinate with other City advisory boards and City departments, such as the Community Forest Advisory Board, Planning Commission, the Mobility Board, and the Resiliency Advisory Board, as needed and as it relates to the purposes of this Board.
- (h) Provide periodic reports to the Environment Committee, and make recommendations for the City to engage in regional climate-related issues at the state and federal level, including securing state and federal funding for climate-related issues.

Section 2. 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 3. 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

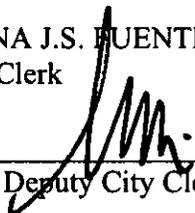


Kathy J. Steinman
Deputy City Attorney

KJS:jvg
December 6, 2022
March 1, 2023 REV.
Or.Dept: CD 1
Doc. No.: 3203651_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 14 2023.

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

Approved: 3/17/23
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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Article 6: Board and Commissions

Division 00

§26.04 ~~Sustainable Energy Advisory Board~~

(a) ~~Purpose and Intent~~

~~It is the purpose and intent of the City Council to establish a Sustainable Energy Advisory Board to serve as an advisory body to the Mayor, City Council, and City Manager on energy policy and future energy needs for the metropolitan San Diego area and to assist the City's attainment of its energy independence and renewable energy goals.~~

(b) ~~Sustainable Energy Advisory Board Established~~

~~There is hereby established a Sustainable Energy Advisory Board consisting of nine regular members and two alternate members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. In making appointments, the Mayor may consider~~

~~recommendations made by members of the Council and shall include seven designated members, two regular at large members, and two at large alternate members. The seven designated members shall be appointed from the following representative areas of organizational interest, expertise, and background:~~

- ~~(1) — San Diego Regional Energy Office [SANDAG]~~
- ~~(2) — San Diego Gas & Electric Company~~
- ~~(3) — Environmental Advocate~~
- ~~(4) — Labor Organization~~
- ~~(5) — Solar Power System Manufacturer or Installer~~
- ~~(6) — Building Industry~~
- ~~(7) — Chamber of Commerce / Business Community.~~

~~The alternate members shall be designated numbers one and two and shall attend meetings like regular members. In the event any regular member is absent from a meeting where a vote on any advisory recommendation is taken, the alternate(s) shall vote in place of the absentee(s) in the order of alternate designation.~~

~~Residency in the City of San Diego shall not be a condition for appointment to the Board. The members shall serve two year terms and each member shall serve until a successor is duly appointed and confirmed. A seat vacated by a Board member from a designated area of representation shall be filled by appointment of a new member from the same designated area of representation. The members shall be appointed in such manner that the terms of not more than~~

~~five members shall expire in any year. The expiration date of all terms shall be March 1. During March of each year, the Mayor may designate one regular member as chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a chairman from its regular members. The Board shall adopt rules, regulations, and organizational structure as it deems necessary, consistent with law, for the conduct of its business. The Board shall meet not less than once every six months.~~

(c) ~~Duties and Functions~~

~~The Sustainable Energy Advisory Board shall:~~

- ~~(1) Advise the City Council and City Manager through the Mayor on energy policy and be responsible for recommending future energy guidelines to accomplish the goals of the "Energy 2030: The San Diego Regional Energy Strategy" adopted by the San Diego Association of Governments [SANDAG] in July 2003.~~
- ~~(2) Advise on the best and most cost-effective method to implement a City goal to install at least fifty (50) megawatts of renewable-fueled electric generating capacity in public and private facilities by the year 2013.~~
- ~~(3) Advise how the City can remove barriers to the development of renewable energy facilities for public and private facilities in the San Diego region.~~
- ~~(4) Advise on how the City can provide incentives for the development of renewable energy resources.~~

- (5) ~~Coordinate with City staff to develop innovative mechanisms for financing renewable energy resources.~~
- (6) ~~Become aware of and develop competence in energy issues and be broadly representative of the community interests.~~
- (7) ~~Seek participation by regional business and political leaders and public interest groups in energy issues.~~
- (8) ~~Coordinate energy planning activities with the City Energy Administrator.~~
- (9) ~~Perform such other studies as may be specifically requested by the Mayor and Council and provide information and advise thereon.~~
- (10) ~~Report progress at a meeting of the Committee on the Environment no later than January 3, 2004 and every six months thereafter.~~

§26.40

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KJS:jvg
December 6, 2022
March 1, 2023 REV.
Or.Dept: CD1
Doc. No.: 3203627_2

Passed by the Council of The City of San Diego on March 14, 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 17 2023

AUTHENTICATED BY: TODD GLORIA
Mayor of The City of San Diego, California.

(Seal) DIANA J. S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy
for Matthew Hilario

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 February 28, 2023, and on MAR 17 2023.

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) DIANA J. S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy
for Matthew Hilario

Office of the City Clerk, San Diego, California
Ordinance Number O- 21624