

ORDINANCE NUMBER O- **21625** (NEW SERIES)

DATE OF FINAL PASSAGE **MAR 17 2023**

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING DIVISION 10, AMENDING SECTIONS 26.1001 AND 26.1002, AND ADDING NEW SECTION 26.1003, RELATING TO ESTABLISHING THE RESILIENCY ADVISORY BOARD AND DISBANDING THE WETLANDS ADVISORY BOARD.

WHEREAS, San Diego Municipal Code sections 26.1001 through 26.1002 established the Wetlands Advisory Board to advise the Mayor, Council of the City of San Diego (Council), and City Manager on policy matters related to wetlands in the City of San Diego (City); and

WHEREAS, the Wetlands Advisory Board currently has five members who are serving on expired terms and four vacant seats, and has not met in at least the last two years; and

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

WHEREAS, the Council now desires to create a new citizens' advisory board named the Resiliency Advisory Board (Board) to advise the Mayor and the Council on natural resource conservation, climate resiliency and adaptation, wetlands, habitat preservation, biodiversity, and the Climate Resilient SD Plan, and to assist the City in attaining its stated goals in these areas; and

WHEREAS, this Ordinance would disband the Wetlands Advisory Board by amending San Diego Municipal Code sections 26.1001 through 26.1002 that established that board to replace it with the newly established Board; and

WHEREAS, the Board shall continue the work currently being performed by the Wetlands Advisory Board related to wetlands and will have added subject matter areas that were

not within the Wetlands Advisory Board's jurisdiction, but are related to the purposes of that board; and

WHEREAS, the Board will advise the Mayor, Council, and relevant City departments on resiliency-related policies, including the City's Climate Resilient SD Plan, as amended from time to time, Multiple Species Conservation Program, Biodiverse SD, Climate Action Plan Strategy 5, Resilient Infrastructure and Healthy Ecosystems, and other conservation and open space programs; and

WHEREAS, the Board will also advise the Mayor, Council, and relevant City departments on issues related to climate mitigation and adaptation, natural space restoration, biodiversity, and conservation, as they relate to the purposes of this Board, and on the best approaches for implementing the City's resiliency, biodiversity, and other related goals; 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 Resilient SD Plan, and other relevant plans or strategies, including providing input on plans, measures, budget priorities, and other community engagement initiatives; and

WHEREAS, the Board shall engage with regional businesses, political leaders, and public interest groups in the areas of resiliency, climate, conservation, biodiversity, environmental justice, and wetlands, and hold public forums for such input; and

WHEREAS, the Board shall coordinate with other City advisory boards and City departments, such as the Community Forest Advisory Board, Planning Commission, and the Climate Advisory Board; and

WHEREAS, the Board shall provide periodic reports to the Environment Committee, make recommendations for the City to engage in regional resiliency and biodiversity issues and

advocacy with state and federal agencies, and advise and support efforts to secure state and federal funding for resiliency-related issues; 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 10 of the San Diego Municipal Code is amended by amending sections 26.1001 and 26.1002, and adding new section 26.1003 to read as follows:

**Article 6: Board and Commissions**

**Division 10: Resiliency Advisory Board**

**§26.1001 Purpose and Intent**

It is the purpose and intent of the City Council to establish a Resiliency Advisory Board to serve as an advisory body to the Mayor and the City Council on natural resource conservation, climate resiliency and adaptation, wetlands, habitat preservation, biodiversity, and the Climate Resilient SD Plan, and to assist the City of San Diego in attaining its stated goals in these areas. The Board shall develop a cooperative and supportive atmosphere on behalf of the resiliency, open space, indigenous, and environmental justice stakeholders and communities in relation to the City of San Diego and its implementation of the Climate Resilient SD Plan and related activities.

**§26.1002 Resiliency Advisory Board Established**

**(a) Establishment**

There is hereby established a Resiliency Advisory Board consisting of 11 members, who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the City Council.

**(b) Qualification of Members**

- (1) In nominating, appointing, and confirming members, the Mayor and City Council shall give preference to those: having expertise in climate resiliency and adaptation, climate or environmental science, biodiversity or biology, outdoor recreation access, emergency readiness or response, food security, agriculture, or natural resource conservation; or those representing environmental justice organizations, labor organizations, youth 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 leadership means a person 25 years of age or younger with a demonstrated leadership role in climate or resiliency-related advocacy.

- (2) The Mayor shall appoint two members, giving preference to those with the qualifications set forth in section 26.1002(b)(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 26.1002(b)(1) above.
- (4) Board membership should be generally representative of San Diego's demographic composition, including diversity of background and experience. At least four 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 business 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 with the for-profit business 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.

(c) 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 six members shall expire in any year.
- (2) Initial members shall be appointed in such a manner as to allow the terms to be staggered. For the initial appointments, five members shall be appointed to one-year terms, and six members shall be appointed to two-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.

**§26.1003 Resiliency Advisory Board – Duties and Functions**

The Resiliency Advisory Board shall:

- (a) Advise the Mayor, City Council, and relevant City departments on resiliency-related policies, including the City's Climate Resilient SD Plan, as amended from time to time, Multiple Species Conservation Program, Biodiverse SD, Climate Action Plan Strategy 5, Resilient Infrastructure and Healthy Ecosystems, and other conservation and open space programs.
- (b) Advise the Mayor, City Council, and relevant City departments on issues related to climate mitigation and adaptation, natural space restoration, wetlands, biodiversity, and conservation, as they relate to the purposes of this Board.
- (c) Advise the Mayor, City Council, and relevant City departments on the best approaches for implementing the City's resiliency, biodiversity, and other related goals.
- (d) Develop recommendations on how the City can engage residents, communities, and non-governmental organizations to guide the implementation of the Climate Resilient SD Plan and other relevant plans or strategies, including providing input on plans, measures, budget priorities, and other community engagement initiatives.
- (e) Engage with regional businesses, political leaders, and public interest groups in the issues of resiliency, climate conservation, biodiversity, environmental justice, and wetlands, and hold public forums for such input.
- (f) Coordinate with other City advisory boards and City departments, such as the Community Forest Advisory Board, Planning Commission, the

Climate Advisory Board, and Open Space Community Advisory Committees as needed and as it relates to the purposes of this Board.

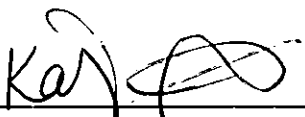
- (g) Provide periodic reports to the Environment Committee, and make recommendations for the City to engage in regional resiliency and biodiversity issues at the state and federal level, including securing state and federal funding for resiliency-related issues.

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.: 3203865\_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

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING DIVISION 10, AMENDING SECTIONS 26.1001 AND 26.1002, AND ADDING NEW SECTION 26.1003, RELATING TO ESTABLISHING THE RESILIENCY ADVISORY BOARD AND DISBANDING THE WETLANDS ADVISORY BOARD.

### Article 6: Board and Commissions

#### Division 10: ~~Wetlands~~ Resiliency Advisory Board

##### §26.1001 -Purpose and Intent

It is the purpose and intent of the City Council to establish a ~~Wetlands~~ Resiliency Advisory Board, ~~pursuant to section 43(a) of the City Charter~~ to serve as an advisory body to the Mayor, ~~and the City Council and City Manager on public policy matters relating to wetlands in The City of San Diego~~ on natural resource conservation, climate resiliency and adaptation, wetlands, habitat preservation, biodiversity, and the Climate Resilient SD Plan, and to assist the City of San Diego in attaining its stated goals in these areas. The Board shall develop a cooperative and supportive atmosphere on behalf of the resiliency, open space, indigenous, and environmental justice stakeholders and communities in relation to the City of San Diego and its implementation of the Climate Resilient SD Plan and related activities.

~~It is further the purpose and intent of the City Council to make available to City government the talents of those involved in various disciplines including, but not limited to, representation from the following organizations and/or interests: wetland specialist, environmental groups, land use planners, and community at large.~~

**§26.1002 Wetlands Resiliency Advisory Board Established**

(a) Establishment

There is hereby established a Wetlands Resiliency Advisory Board consisting of ~~nine (9)~~ 11 members, who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the City Council. ~~All members of the Board shall be residents of The City of San Diego unless otherwise waived by the Council pursuant to Council Policy 000-13.~~

(b) Qualification of Membership and Fields of Expertise

~~Nine members, as follows:~~

- (1) ~~At least one (1) Wetland Scientist.~~ In nominating, appointing, and confirming members, the Mayor and City Council shall give preference to those: having expertise in climate resiliency and adaptation, climate or environmental science, biodiversity or biology, outdoor recreation access, emergency readiness or response, food security, agriculture, or natural resource conservation; or those representing environmental justice organizations, labor organizations, youth leadership, or citizen of a

federally recognized tribe. For purposes of this section environmental or energy justice organizations means 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 leadership means a person 25 years of age or younger with a demonstrated leadership role in climate or resiliency-related advocacy.

- (2) At least one (1) Land Use expert; The Mayor shall appoint two members, giving preference to those with the qualifications set forth in section 26.1002(b)(1) above.
- (3) At least one (1) representative with expertise in: vernal pools, coastal salt marsh, riparian fresh water habitat and marine resources; with consideration given to geographic diversity; 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 26.1002(b)(1) above.
- (4) Board membership should be generally representative of San Diego's demographic composition, including diversity of background and experience. At least four members should primarily

reside or work in Communities of Concern, as designated by the City's Climate Equity Index.

~~(4)(5)~~ At least one (1) representative from Environmental Organizations;

~~and~~ No member shall be employed by or otherwise contracted or hired by, or serve on the board of directors of, any for-profit business 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 with the for-profit business 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.

~~(5)~~ At least one (1) member representing landowners.

~~Committee membership may be adjusted by City Council as needed to meet changing requirements.~~

(c) ~~Terms of Members and Rules~~

~~The members shall serve three-year terms and each member shall serve until a successor is duly appointed and confirmed. The members shall be appointed in such a manner so that the terms of not more than three (3) members shall expire in any year. The expiration date of all terms shall be July 1. During July of each year, the Mayor may designate one (1) member as Chairperson; however, in the absence of such designation, the Board shall, on or after September 1, select a Chairperson from among its members. Any vacancy shall be filled for the unexpired term of the member whose place becomes vacant. The Board shall adopt rules consistent with the law for the government of its business and procedures.~~

(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 six members shall expire in any year.

(2) Initial members shall be appointed in such a manner as to allow the terms to be staggered. For the initial appointments, five members shall be appointed to one-year terms, and six members shall be appointed to two-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.

**§26.1003 Resiliency Advisory Board – Duties and Functions**

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- (a) Advise the Mayor, City Council, and relevant City departments on resiliency-related policies, including the City's Climate Resilient SD Plan, as amended from time to time, Multiple Species Conservation Program, Biodiverse SD, Climate Action Plan Strategy 5, Resilient Infrastructure and Healthy Ecosystems, and other conservation and open space programs.
- (b) Advise the Mayor, City Council, and relevant City departments on issues related to climate mitigation and adaptation, natural space restoration, wetlands, biodiversity, and conservation, as they relate to the purposes of this Board.
- (c) Advise the Mayor, City Council, and relevant City departments on the best approaches for implementing the City's resiliency, biodiversity, and other related goals.
- (d) Develop recommendations on how the City can engage residents, communities, and non-governmental organizations to guide the implementation of the Climate Resilient SD Plan and other relevant plans or strategies, including providing input on plans, measures, budget priorities, and other community engagement initiatives.

- (e) Engage with regional businesses, political leaders, and public interest groups in the issues of resiliency, climate conservation, biodiversity, environmental justice, and wetlands, and hold public forums for such input.
- (f) Coordinate with other City advisory boards and City departments, such as the Community Forest Advisory Board, Planning Commission, the Climate Advisory Board, and Open Space Community Advisory Committees as needed and as it relates to the purposes of this Board.
- (g) Provide periodic reports to the Environment Committee, and make recommendations for the City to engage in regional resiliency and biodiversity issues at the state and federal level, including securing state and federal funding for resiliency-related issues.

KJS:jvg  
December 6, 2022  
March 1, 2023 REV.  
Or.Dept: CD 1  
Doc. No.: 3203857\_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 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- **21625**