

Council Business Meeting

August 6, 2019

Agenda Item	Second Reading of Ordinance No. 3177 Amending AMC CH 2.18 Conservation Commission to the Conservation and Climate Outreach Commission and Ordinance No. 3178 Creating the Climate Policy Commission; Adding New AMC CH 2.27	
From	Adam Hanks	Assistant to the City Administrator
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SUMMARY

At the May 21, 2019 Council business meeting, Council approved First Reading of proposed Ordinance No. 3177 changing the purpose, membership, powers, duties, and name of the Conservation Commission initially established in AMC 2.18. At the same meeting, Council also approved First Reading of proposed Ordinance No. 3178 creating the Climate Policy Commission.

At its June 4, 2019 meeting, Council voted 5 to 1 during Second Reading of these two proposed ordinances. Two procedural errors occurred in the process of the motion and approval that unfortunately invalidate the motion and subsequent approval and require action by Council to rectify.

The first error came about because the Council Communication on the agenda item erroneously retained the suggested motion wording that had been provided when the First Reading occurred on May 21. As a result, a single motion was made to approve both Ordinance No. 3177 and Ordinance No. 3178 "on First Reading" -- instead of "on Second Reading." The upshot is that neither ordinance has been officially approved on Second Reading or gone into effect.

To remedy this first error, Council will be asked to take up Second Reading of the two ordinances again at its August 6 meeting. For clarity, each ordinance should be the subject of a separate motion, rather than incorporated into a single motion.

The second minor error was not reading aloud a proposed change to the version of proposed Ordinance No. 3178 approved on First Reading on May 21. The change was to allow the City Councilor or Mayor serving on the new Climate Policy Commission to be a voting member. Proposed language to effect that change was provided by staff at the meeting, and a majority of the Council agreed in concept within the discussion phase of the process. However, the exact language change from First Reading was not read aloud at Second Reading, as required by Article 10, Section 2(c) of our Charter.

To remedy this second error, staff has proposed deleting the last full sentence on page 1 (on lines 30 and 31) of the version of Ordinance No. 3178 approved on First Reading and replacing it with following insertion: "Either the Mayor or one (1) City Councilor shall serve on the Commission as a voting member and, upon appointment by the Mayor and confirmation by the City Council, may serve as the initial Chair. One (1) City staff person shall serve on the Commission as a non-voting, ex officio member."

POLICIES, PLANS & GOALS SUPPORTED

- 1) 2019-21 Council Goal #3 – Enhance and improve transparency and communication
- 2) CEAP Year One Implementation Plan – Form and convene a permanent City Advisory Commission

PREVIOUS COUNCIL ACTION

The establishment of a permanent Commission for CEAP was one of the eight initial priority implementation actions outlined in the CEAP that was presented and approved by Council on March 7, 2017. Council elected to create a second CEAP Ad-Hoc on December 5, 2017, rather than a permanent commission.

On February 19, 2019, the CEAP Implementation Ad-Hoc Committee presented its final report and recommendation, which included each of the two proposed ordinances as references. Council accepted all of the recommendations of the Committee and directed staff to place each of the ordinances on a Council agenda for formal deliberation and decision.

BACKGROUND AND ADDITIONAL INFORMATION

The Climate and Energy Action Plan (CEAP) recommended the creation of a permanent Commission to provide community engagement, input and recommendation making as the plan is implemented and updated over time. These proposed ordinances create a new Climate Policy Advisory Commission and update the purpose, membership, powers and duties and name of the Conservation Commission (Conservation and Climate Outreach Commission) to better align its work to outreach and education efforts associated with the CEAP.

The development of the CEAP has benefitted from significant community involvement from its origins in 2015 with the creation of the first CEAP Ad-Hoc Committee (CEAP 1) charged by the Mayor and Council to assist staff, the consultant and the community in the development of the CEAP document. With over 30 total public meetings, including three community wide open houses, the CEAP document was presented to Council for approval in March of 2017.

The Year 1 Implementation Summary recommended an initial focus on establishing the institutional foundation for plan implementation, which included the formation of a permanent City Advisory Commission “to provide guidance and oversight of plan implementation and future plan updates as described in the plan”.

A broad description for this Advisory Commission was included in the CEAP (page 107) and is as follows:

Oversight – A Citizen Advisory Commission is recommended to oversee implementation of the CEAP. The Commission will be composed of stakeholders who represent Ashland residents, have interest, experience or expertise on climate-relevant topics or related policy work and/or represent key community or civic organizations that may play a role in implementation.

Roles of the advisory committee could include:

- *Monitory and tracking progress towards meeting CEAP goals.*
- *Providing recommendations to the Climate and Energy Coordinator regarding CEAP progress and implementation*
- *Ensuring that the CEAP stays up-to-date over time, with a focus on the three-year plan update cycle*
- *Reviewing and making recommendations as part of the three-year greenhouse gas (GHG) inventory update process*

It is expected that the Commission will meet at least quarterly, and likely more often in the early stages of implementation

In December of 2017, Council elected to create a second Ad-Hoc Committee rather than a permanent Commission. The CEAP Implementation Ad-Hoc (CEAP 2) was given a specific scope of work with eight topics to provide recommendations back to the Council. The final topic was “Long term structure and format for citizen advisory role in CEAP implementation”.

CEAP 2 worked with the Conservation Commission to develop a unique structure to ensure that all aspects of CEAP implementation have advisory commission level support and involvement. The Climate Policy Advisory Commission is focused on policy and plan related oversight and recommendations codified in AMC 9.40.040 while

the proposed alterations to the Conservation Commission powers and duties provide alignment with community engagement and achievement of overall community action codified in AMC 9.40.020.

Both CEAP 2 and the Conservation Commission unanimously recommend the approval of the two ordinances.

FISCAL IMPACTS

No specific expenditure requests are associated with either ordinance. However, the creation of a new Commission does create additional staff demands. To mitigate that, and to provide continuity between the two Commissions, staff has suggested the possibility of having each Commission meet every other month. This allows a primary staff liaison to staff each Commission and also provides additional time between meetings for smaller, topic based work groups to meet and develop ideas, conduct research and involve others outside of the Commission membership.

Commission meeting dates, times and cadence are not typically included in ordinance language and can be further developed with Council into the future.

STAFF RECOMMENDATION

Staff recommends approval of both ordinances creating the new Climate Policy Advisory Commission and modifying the scope, charge, and name of the Conservation Commission.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

- 1) I move to amend the purpose, membership, powers and duties of the Conservation Commission and to re-name the Commission as the Conservation and Climate Outreach Commission with the approval of Second Reading of Ordinance 3177 as presented.

AND

- 2) I move to create the Climate Policy Advisory Commission with the approval of Second Reading of Ordinance 3178 with the following change from First Reading:

Deletion of the last full sentence on page 1 (lines 30 and 31) and replacing it with the following insertion:
Either the Mayor or one (1) City Councilor shall serve on the Commission as a voting member and, upon appointment by the Mayor and confirmation by the City Council, may serve as the initial Chair. One (1) City staff person shall serve on the Commission as a non-voting, ex-officio member.”

REFERENCES & ATTACHMENTS

Attachment 1: Conservation, Climate Outreach Commission – Draft Ordinance No. 3177

Attachment 2: Climate Policy Advisory Commission – Draft Ordinance No. 3178 (revised)

Reference 1: Climate and Energy Action Plan – www.ashland.or.us/climateplan

Reference 2: [February 19, 2019](#) CEAP Implementation Ad-Hoc Committee Final Report and Recommendation

1 **ORDINANCE NO. 3177**

2 **AN ORDINANCE AMENDING AMC CHAPTER 2.18 CONSERVATION**
3 **COMMISSION TO THE CONSERVATION AND CLIMATE OUTREACH**
4 **COMMISSION**

5 Annotated to show deletions and additions to the Ashland Municipal Code sections being
6 modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

7 **WHEREAS**, the City of Ashland (City) has an interest in promoting climate policy; and

8 **WHEREAS**, the City acknowledges and supports the active involvement and participation of the
9 community in furthering the goals, objectives and actions contained within the City Council
10 adopted Climate and Energy Action Plan; and

11 **WHEREAS**, the former Conservation Commission has been instrumental in furthering many
12 climate and sustainability issues since its inception in 1995

13 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

14 **SECTION 1.** Chapter 2.18 [Conservation Commission], is hereby amended as Conservation
15 and Climate Outreach Commission to read as follows:

16 **2.18.005– Purpose**

17 **Upon adoption of this ordinance, the Mayor shall establish a permanent Citizen**
18 **Commission to support the achievement of Ashland’s Community Climate Recovery Goals**
19 **(AMC 9.40.020) and conservation activities. The Commission shall actively encourage**
20 **Community entities and individuals to make wise use of resources and make progress**
21 **toward Ashland’s Community Climate Goals as set forth in the most current City Council-**
22 **approved version of the Climate and Energy Action Plan.**

23 2.18.010 – Established Membership

24 The Commission is established and shall consist of nine (9) voting members including one
25 representative of the solid waste franchisee for the City; and one representative from Southern
26 Oregon University; and one representative from the Ashland School District and six (6) other
27 voting members. At least five (5) of the other members shall reside within the City. ~~The~~
28 ~~commission shall also consist of certain non-voting ex officio members, including the mayor~~
29 ~~or one council member serving as council liaison, the Department of Communitiy~~
30 ~~Development Director and the Electric Utility Director, the Director of Public Works, the~~

1 ~~Building Official and the City Administrator. The Electric Utility Director shall serve as~~
2 ~~the primary staff Liaison and Secretary of the Commission. The primary staff liaison shall~~
3 ~~be appointed by the City Administrator and shall serve as Secretary of the Commission.~~

4 ~~Voting members shall be appointed by the Mayor with confirmation by the City Council.~~

5 (Ord. 3003, amended, 02/18/2010; Ord. 2981, added, 04/06/2009; Ord. 3100, amended, 2014)

6 **2.18.040 – Powers and Duties Generally**

7 ~~The powers, duties and responsibilities of the commission shall be to educate and advocate~~
8 ~~for the wise and efficient use of resources by the City of Ashland and all Ashland citizens.~~

9 ~~In doin so the commission shall recommend to the council the adoption of policies,~~
10 ~~implementation strategies and funding related to:~~

11 ~~A. Recycling, source reduction and solid waste/landfill issues;~~

12 ~~B. Electric conservation issues;~~

13 ~~C. Water conservation issues;~~

14 ~~D. Resource conservation issues;~~

15 ~~E. New power resource decisions, but not including decisions involving~~
16 ~~wholesale power contracts;~~

17 ~~F. Renewable resource decisions;~~

18 ~~G. Air quality issues;~~

19 ~~H. Education of citizens about efficiency issues ; and~~

20 ~~A. Consistent with City policies and procedures, educate and advocate for Ashland’s~~
21 ~~Community Climate Recovery Goals (in accordance with AMC 9.40.020)~~

22 ~~B. Consistent with the Climate and Energy Action Plan, make recommendations on~~
23 ~~strategies, actions, and programs related to the wise and efficient use of resources by all~~
24 ~~Ashland citizens, including:~~

25 ~~a. Consumption of goods and services,~~

26 ~~b. Materials management, waste prevention, reduction, and recycling,~~

27 ~~c. Conservation and efficient use of electricity, water, and natural~~
28 ~~resources~~

29 ~~d. Promotion of community, residential, and commercial renewable~~
30 ~~resources~~

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e. Air quality awareness,

f. Climate resilience and preparedness.

(Ord. 3003, amended, 02/18/2010; Ord. 2981, added, 04/06/2009)

SECTION 2. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section, or chapter numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

SECTION 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2019.

ATTEST:

City Recorder

Approved by City Attorney

SIGNED and APPROVED this _____ day of _____, 2019.

John Stromberg, Mayor

Reviewed as to form:

Adam Hanks, Assistant to City Administrator

1 serve on the Commission as a non-voting, ex-officio member. The Commission may
2 optionally include two (2) student members representing the Ashland School District or
3 Southern Oregon University. Student members under the age of 18 shall
4 serve as non-voting, ex-officio members. Both voting and ex-officio members shall be
5 appointed by the Mayor with confirmation by the City Council. The primary staff liaison
6 shall be appointed by the City Administrator and shall serve as the secretary of the
7 Commission.

8 2.27.020 Powers and Duties

9 A. Develop recommendations for the City of Ashland’s CEAP and any updates to
10 the CEAP.

11 B. Recommend modifications to benchmarks, targets, or actions contained in the
12 climate plan as needed to incorporate the best available science and practices to
13 achieve the City of Ashland’s climate-related goals and targets.

14 C. Manage a process for considering amendments and updates to the CEAP.

15 D. Monitor and make recommendations on the implementation of the CEAP for the
16 community and for City operations

17 E. Periodically review progress toward achievement of the CEAP’s Greenhouse
18 Gases (GHG) and fossil fuels reduction targets.

19 F. Recommend changes in City ordinances, administrative rules, and processes that
20 facilitate or incentivize residents and businesses to reduce GHG emissions.

21 G. Work to ensure that the CEAP incorporates long-term social, economic, and
22 environmental goals.

23 H. Work to ensure that the CEAP is socially equitable for all community members
24 including low-income, young people, persons of color, the elderly, and those living
25 with disabilities.

26 **SECTION 2. Codification.** In preparing this ordinance for publication and distribution, the
27 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
28 such limitations, may:

- 29 (a) Renumber sections and parts of sections of the ordinance;
30 (b) Rearrange sections;

- 1 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 2 (d) Delete references to repealed sections;
- 3 (e) Substitute the proper subsection, section, or chapter numbers;
- 4 (f) Change capitalization and spelling for the purpose of uniformity;
- 5 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 6 (h) Correct manifest clerical, grammatical, or typographical errors.

7 **SECTION 3. Severability.** Each section of this ordinance, and any part thereof, is severable,
8 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
9 remainder of this ordinance shall remain in full force and effect.

10 PASSED by the City Council this _____ day of _____, 2019.

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13 ATTEST:

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17 City Recorder

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19 Approved by City Attorney: _____

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22 SIGNED and APPROVED this _____ day of _____, 2019.

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25 _____
26 John Stromberg, Mayor

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29 Reviewed as to form:

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Adam Hanks, Assistant to City Administrator