

Council Communication

August 16, 2016 Business Meeting

Certification of City Measure by City Governing Body

FROM:

Barbara Christensen, City Recorder, christeb@ashland.or.us

SUMMARY

This is a review by the City Council of a citizen initiative titled, "Shall Ashland produce 10% of electricity used in the City by year 2020 from new, local, and clean sources?" The Council can accept the ordinance proposed by the petitioners, reject and refer the ordinance to the voters or reject the ordinance and refer an alternative ordinance.

BACKGROUND AND POLICY IMPLICATIONS:

A prospective petition for a local initiative was submitted to the City's Election Officer (the City Recorder) on April 26, 2016. All required procedures were followed by the chief petitioners and petitions were approved to circulate to obtain the required 1,644 signatures.

Jackson County Elections office has confirmed 1,644 signatures as certified as active registered voters in the City of Ashland, which meets the requirements of City of Ashland Municipal Code 2.36, Initiative and Referendum.

Oregon State Elections procedures (ORS 250.325 and 254.095) instruct the city elections official to file the initiated measure with the city governing body at its next meeting which occurs after the petition has qualified to the ballot.

COUNCIL GOALS SUPPORTED

N/A

FISCAL IMPLICATIONS:

The cost to refer a local measure to a general election ballot is de minimis. Staff has not prepared a fiscal impact statement to determine the cost of implementing this ordinance and the attendant impact on electric rates.

STAFF RECOMMENDATION AND REQUESTED ACTION:

The City Council has three options:

ACTION

Adopt the initiative

Reject the initiative, take no action

RESULT

Initiative would go into effect without an election being held

Measure will be submitted to the city voters at the November 2016 election



Reject the initiative and refer a competing measure Competing measure would be submitted to the city voters at the same November 2016 election

SUGGESTED MOTION:

Motion to (take one of the noted actions)

ATTACHMENTS:

Prospective Initiative

Notice of receipt of Ballot Title

Explanatory statement



RECEIVED
APR 26 2016

Petition ID# 2016-01

Prospective Petition

Local Initiative and Referendum

SEL 370

rev 01/16 ORS 250.045,
250.165, 250.265, 255.135

BY: *[Signature]* _____
Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years.

Each chief petitioner is required to provide, on the same form, their name, residence address, a contact phone number and a signature attesting that the information on the form is true and correct. Changes to the information provided for a chief petitioner or to the circulator pay status below must be reported to the Elections Division no later than the 10th day after you first have knowledge or should have had knowledge of the change.

Petition Information	Type
This filing is an <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Initiative <input type="checkbox"/> Referendum

Jurisdiction	Some Circulators may be Paid
<input type="checkbox"/> County <input checked="" type="checkbox"/> City <input type="checkbox"/> District	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Title: **AN ORDINANCE REQUIRING THE CITY OF ASHLAND TO PRODUCE 10 PERCENT OF THE ELECTRICITY USED IN THE CITY FROM NEW, LOCAL AND CLEAN RESOURCE BY THE YEAR 2020**

Website if applicable

Petition Correspondence Select the method of receiving notices or other correspondence from the Filing Officer.

<input checked="" type="checkbox"/> Correspondence Recipient	<input checked="" type="checkbox"/> Email Chief Petitioners	<input type="checkbox"/> Mail Chief Petitioners
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Recipient Information

Name: David Helmich	Email Address: sos@d-pminc.com
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Chief Petitioner Information At least one original chief petitioner must remain throughout the petition process or the petition is void.

→ By signing this document, I hereby state that all information on the form is true and correct and attest that no circulators will be compensated money or other valuable consideration on this petition based on the number of signatures obtained by the circulator.

Name: David Helmich	Contact Phone: 510/435-3545
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Residence Address: 468 Williamson Way, Ashland, OR 97520

Mailing Address if different	Email Address: sos@d-pminc.com
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Signature: <i>[Signature]</i>	Date Signed: 4/26/16
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Name: Carol Wilder	Contact Phone: (541) 488-5475
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Residence Address street, city, state, zip: 565 Taylor St. Ashland, OR 97520

Mailing Address if different	Email Address: cewilder10@yahoo.com
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Signature: <i>[Signature]</i>	Date Signed: 4/26/16
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Name: ROBERT BOUTWELL	Contact Phone: 541-488-5833
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Residence Address street, city, state, zip: 1259 MUNSON DR. ASHLAND, OR 97520
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Mailing Address if different: SAME	Email Address: ROBERTBOUTWELL@97520.NE
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Signature: <i>[Signature]</i>	Date Signed: 4-26-16
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Petition ID #
2016-01

AN ORDINANCE REQUIRING THE CITY OF ASHLAND TO PRODUCE 10 PERCENT OF
THE ELECTRICITY USED IN THE CITY FROM NEW, LOCAL AND CLEAN RESOURCE
BY THE YEAR 2020.

RECITALS:

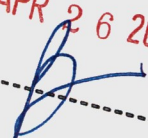
WHEREAS climate change is caused in large part by human action.

WHEREAS Ashland citizens have a responsibility to contribute to slowing of climate change.

WHEREAS Ashland owns its own electric utility.

SECTION 1. The City of Ashland shall cause at least 10 percent of the electricity used in the City to be produced from new, local and clean resources from and after the year 2020.

SECTION 2. The City of Ashland shall enact such ordinances and resolutions, and appropriate such funds and take necessary actions as are necessary to implement the requirements of Section 1 above.

RECEIVED
APR 26 2016
BY: 

**NOTICE OF RECEIPT OF BALLOT TITLE
FILED IN THE CITY OF ASHLAND
November 8, 2016, General Election**

NOTICE IS HEREBY GIVEN that a ballot title meeting the requirements of section 1(2) (d), Article IV of the Oregon Constitution (one subject) has been filed with the City Recorder.

The ballot title has been prepared by the City Attorney and is as follows:

CAPTION: Approving requirement for City to produce new local clean electricity.

QUESTION: Shall Ashland produce 10% of electricity used in the City by year 2020 from new, local, and clean sources?

SUMMARY: The petitioners for this initiative seek to help slow climate change by requiring customers of the City of Ashland Electric Utility to support greater use of locally-generated non-fossil fuel based electricity within Ashland.

The City of Ashland Electric Utility produces approximately one percent of the community's electricity needs with local hydroelectric generation. The remainder is purchased from Bonneville Power Administration, of which approximately 5% is wind-generated, 80% is hydroelectric-generated, 10% is nuclear-generated, and 5% comes from other sources.

This proposed ordinance requires that by 2020 10% of the electricity used within the City of Ashland be generated from new, local and clean sources and that the City itself be responsible for such production.

The City of Ashland presently does not own, operate, or have access to facilities to meet the 10% local, clean sourcing requirement. To implement this proposed ordinance, the City would need to reallocate or increase staffing and funding for capital projects and operations.

ANY ELECTOR DISSATISFIED WITH THE BALLOT TITLE may petition the Circuit Court seeking a different title and stating the reasons the title filed is insufficient, not concise or unfair. Petition must name as respondent the City Attorney and must be filed no later than the 7th day after ballot title is filed with the City Recorder, May 13, 2016. The court shall review the title and measure to be initiated or referred, hear arguments, if any, and certify to the city elections officer a title for the measure which meets the requirements of ORS 250.035.

AN ELECTOR FILING A PETITION shall notify the city elections officer in writing that the petition has been filed. The notice shall be given NO LATER THAN 5 p.m. on the next business day following the day the petition is filed. ORS 250.296(2).

Barbara Christensen, City Recorder/Treasurer

Publish: May 9, 2016

City of Ashland, Ballot Measure, November 8, 2016, General Election
Approval of an ordinance titled, an ordinance requiring the City of Ashland to produce 10 percent of the electricity used in the city from new, local and clean resource by the year 2020.

Explanatory Statement:

A group of Ashland citizens gathered the necessary number of signatures to refer to the ballot a proposed ordinance titled, “An ordinance requiring the City of Ashland to produce 10 percent of the electricity used in the City from new, local and clean resource by the year 2020.”

The proposed ordinance states:

“SECTION 1. The City of Ashland shall cause at least 10 percent of the electricity used in the City to be produced from new local and clean resources from and after the year 2020.

“SECTION 2. The City of Ashland Shall enact such ordinances and resolutions, and appropriate such funds and take necessary actions as are necessary to implement the requirements of Section 1 above.”

This proposed ordinance was drafted by citizens and not by City staff or the City Council. The proposed ordinance does not contain definitions of “new,” “local,” or “clean.” The proposed ordinance does not state whether “10 percent of the electricity used in the City,” refers to peak day demand, average daily demand or some other benchmark of electricity use. The proposed ordinance does not state whether energy efficiency and conservation are considered new “resources.”

The City of Ashland currently produces about 1% of its electricity from a hydropower generator located below Hosler Dam and from solar panels known as the Solar Pioneer project at 90 North Mountain Avenue. The remaining 99% of the City’s electricity is acquired from the Bonneville Power Administration (BPA) under a power purchase agreement. The power purchased from the BPA is derived from the following sources:

Large hydroelectric (83.6%)

Small hydroelectric (0.9%)

Biomass and waste (0.1%)

Wind without renewable energy credits (0.6%)

Non-specified (4.8%)

Nuclear (9.9%)

Coal (0%)

Natural gas (0.1%)

Geothermal (0%)

Solar with renewable energy credits (0%)

Wind with renewable energy credits (0%)

(Source: Bonneville Power Administration CY 2015 Fuel Mix Summary)

Total 305 words (500 words permitted per ORS 246.150, 251.305 & 251.325 500)