

# Council Business Meeting

September 5, 2017

**Title:** Climate and Energy Action Plan – Goals/Targets Ordinance

**From:** David Lohman City Attorney

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## **Summary:**

Council approved the Climate and Energy Action Plan (“CEAP” or “Plan”) on March 7, 2017, capping 18 months of committee work and extensive public engagement. The Plan provides a foundation and framework for community and City actions to reduce greenhouse gas (GHG) emissions and make our local environment, infrastructure, and people better able to cope with the growing impacts of climate change.

At its July 18, 2017 meeting the Council considered several possible Council actions intended to affirm the City’s commitment to the Plan’s targets and goals. Following comments from staff, members of the CEAP Ad Hoc Committee, and other members of the public, the Council approved a motion directing staff to prepare an ordinance reflecting the City’s commitment to the Plan while acknowledging the Plan might be modified as needed by Council action in the future and limiting exposure to possible future litigation over interpretation of the goals.

The attached draft ordinance is staff’s attempt to reflect the intent of Council as expressed in its July 18, 2017 discussion and motion. Staff’s discussions with some interested members of the public have resulted in an ordinance presented as Attachment A for First Reading that differs slightly from the one sent to Council as required two weeks prior to the scheduled First Reading. The earlier version previously sent to Council is attached as Attachment B for information only.

## **Actions, Options, or Potential Motions:**

I move to approve First Reading, and placement on a future Council meeting agenda for Second Reading, of the proposed ordinance presented as Attachment A and titled “An Ordinance Establishing Greenhouse Gas and Fossil Fuel Reduction Goals and Targets for Community and City Operations” [with the following modifications ...]

## **Staff Recommendation:**

Staff recommends approval of the proposed ordinance (Attachment A).

## **Resource Requirements:**

Beyond the resources already committed in the 2017-19 budget for a CEAP Coordinator, the resources necessary to meet the CEAP targets and goals may well be considerable, but are not susceptible to estimation at this time – partly because of fast-changing technological and regulatory developments.

### **Policies, Plans and Goals Supported:**

- 1) 2015-17 City Council Goals
  - 22.1 – Develop and implement a community climate change and energy plan
- 2) Ashland Comprehensive Plan, Element XI – Energy, Air and Water Conservation

### **Background and Additional Information:**

At its March 7, 2017 meeting, Council formally approved the CEAP document with a unanimous vote. In addition, a CEAP staff position was incorporated by the Citizen’s Budget Committee into the City’s 2017-19 biennial budget, and the hiring process for that position is currently underway.

### **CEAP Goals and Targets**

- 1) Reduce Ashland’s contribution to global carbon pollution by reducing greenhouse gas emissions associated with City, residential, commercial and industrial activities:
  - Reduce total community greenhouse gas emissions by 8% on average annually through 2050
  - Attain carbon neutrality in City operations by 2030, and reduce fossil fuel consumption by 50% by 2030 and 100% by 2050
- 2) Prepare the City’s communities, systems and resources to be more resilient to climate change impacts

As noted in the plan document in several places, the 8% annual emissions reduction goal is derived based on what is called a *science based methodology* and is a relatively new method for setting emission reduction targets. This goal methodology results in a very aggressive reduction trajectory; however, it aligns with what is globally accepted as necessary to avoid potentially catastrophic impacts.

It is understood that local action alone cannot achieve the 8% annual emissions reduction goal. But local action can play a part in achieving the overall reductions needed and can be a catalyst for action and change beyond what can be collectively controlled and influenced at the local level.

Implementing the Plan will require increased focus on climate change and greenhouse gas emissions as key decision-making considerations and will involve nearly every department within the City, as well as community and civic partners, businesses and all residents.

### **Attachments:**

Attachment A: Final version of CEAP ordinance recommended for approval on First Reading

Attachment B: Early version of CEAP ordinance sent to Council August 22, 2017

### **Additional Links**

[Final CEAP Action Plan](#)

[Ad hoc CEAP Committee minutes, February 15, 2017](#)

[Minutes of July 18, 2017 Regular Meeting of Ashland City Council](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ESTABLISHING GREENHOUSE GAS  
AND FOSSIL FUEL REDUCTION GOALS AND TARGETS  
FOR COMMUNITY AND CITY OPERATIONS**

**WHEREAS**, Article 2, Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

**WHEREAS**, increased concentrations of greenhouse gases in the atmosphere are causing mean global temperatures to rise: The decade from 2000 to 2010 was the warmest on record; 2016, 2015 and 2014 are the three hottest years on record; and the seventeen consecutive months of May 2015 through September 2016 each set a record for global average surface temperatures for their respective months.

**WHEREAS**, CO2 levels in the atmosphere surpassed 400 parts per million (ppm) for the first time in 800,000 years in the year 2013 and have come near or exceeded that level in the following years.

**WHEREAS**, the health, welfare, and economic future of the residents of Ashland will be impacted by these climatic changes

**WHEREAS**, the City of Ashland (“The City”) has a Climate and Energy Action Plan (“Plan”) intended to guide and support both City and Community efforts to advance the goal of returning global atmospheric CO2 concentration to below 350 ppm by the year 2100.

**WHEREAS**, the strategies and actions in the Climate and Energy Action Plan may be updated over time upon approval by the City Council.

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

**SECTION 1:** The City of Ashland Municipal Code (AMC) Title 9 is hereby amended by adding a new Chapter 9.40 to read as follows:

**9.40 CLIMATE ACTION PLANS**

**9.40.010 Definitions**

**The following words and phrases whenever used in this chapter shall be construed as defined in this section.**

- A. “Greenhouse Gases” or “GHG” means gases in the atmosphere that absorb and emit radiation and are the fundamental cause of the greenhouse effect.
- B. “City Operations” means any and all actions undertaken by the Ashland municipal government, including any operations at its own facilities or elsewhere.
- C. “Community” means collectively all individuals or entities operating, residing or located within the boundaries of the City, including private and public entities.
- D. “GHG Baseline” means Ashland’s 2015 GHG emissions calculations as found in the 2016 Greenhouse Gas Inventory document.

**9.40.020 Climate Action Goals**

Achievement of the Climate Action Goals, as set forth in the most current City Council-approved version of the Climate and Energy Action Plan, shall be a part of all goals for City Operations. The City shall also actively encourage other Community entities and individuals to make achievement of the Community Climate Action Goals, as set forth in the most current City Council-approved version of the Climate and Energy Action Plan, a part of the goals for their respective operations and facilities.

**9.40.030 Climate and Energy Action Plan Contents and Updates**

The Climate and Energy Action Plan and any updates must contain the following:

- A. Specific and measurable GHG reduction targets and milestones to guide and direct City Operations toward achieving the Plan’s GHG mitigation and fossil fuel reduction targets for the City.
- B. Specific and measurable GHG reduction targets and milestones to guide the Community toward achieving the Plan’s GHG mitigation and fossil fuel reduction targets for the Community.
- C. The above carbon mitigation and fossil fuel reduction targets for City Operations and for the Community must each be supported by at least the following elements in the Plan:
  - 1. Strategies, actions, timelines for meeting the Plan’s GHG and fossil fuel reduction targets.
  - 2. Schedule of periodic objective, science-based evaluations of progress towards achievement of the Plan’s GHG and fossil fuel reduction targets.
  - 3. Minimum reporting content and schedule for presentations to City Council on CEAP, GHG Inventory updates, and progress towards achievement the Plan’s GHG and fossil fuel reduction targets.
  - 4. Specific process for considering Plan amendments, including comprehensive review on a three year cycle.
  - 5. Specification of the responsibility of the Climate and Energy Action Plan Commission or any other committee established by the City to provide ad hoc or ongoing advisory input on CEAP implementation and updates.

**SECTION 2. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 3. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-letter, provided however that any Whereas clauses and Sections 2 and 3 need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2017, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Melissa Huhtala, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David H. Lohman, City Attorney

## ATTACHMENT B

ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE ESTABLISHING GREENHOUSE GAS AND FOSSIL FUEL REDUCTION GOALS AND TARGETS FOR COMMUNITY AND CITY OPERATIONS

**WHEREAS**, Article 2, Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

**WHEREAS**, increased concentrations of greenhouse gases in the atmosphere are causing mean global temperatures to rise: The decade from 2000 to 2010 was the warmest on record; 2016, 2015 and 2014 are the three hottest years on record; and the seventeen consecutive months of May 2015 through September 2016 each set a record for global average surface temperatures for their respective months.

**WHEREAS**, CO<sub>2</sub> levels in the atmosphere surpassed 400 parts per million (ppm) for the first time in 800,000 years in the year 2013 and have come near or exceeded that level in the following years.

**WHEREAS**, the health, welfare, and economic future of the citizens of Ashland will be impacted by these climatic changes

**WHEREAS**, the City of Ashland (“The City”) has a Climate and Energy Action Plan (“Plan”) intended to guide and support both City and Community efforts to advance the goal of returning global atmospheric CO<sub>2</sub> concentration to below 350 ppm by the year 2100.

**WHEREAS**, the strategies and actions in the Climate and Energy Action Plan may be updated over time upon approval by the City Council.

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

**SECTION 1:** The City of Ashland Municipal Code (AMC) Title 9 is hereby amended by adding a new Chapter 9.40 to read as follows:

#### 9.40 CLIMATE RECOVERY

#### **9.40.010 Definitions**

The following words and phrases whenever used in this chapter shall be construed as defined in this section.

- A. “Carbon Neutral” means zero net emissions of greenhouse gases (GHG).
- B. “City Operations” means any and all actions undertaken by the Ashland municipal government, including any operations at its own facilities or elsewhere.
- C. “Community” means collectively all individuals or entities operating, residing or located within the boundaries of the City, including private and public entities.
- D. “GHG Baseline” means Ashland’s 2015 carbon emissions calculations as found in the 2016 Greenhouse Gas Inventory document.

#### **9.40.020 Climate Recovery Goals**

Achievement of the Climate Recovery Goals, as set forth in the most current City Council-approved version of the Climate and Energy Action Plan, shall be a part of the goals for City Operations. The City shall also actively encourage other Community entities and individuals to make achievement of the Community Climate Recovery Goals, as set forth in the most current City Council-approved version of the Climate and Energy Action Plan, a part of the goals for their respective operations and facilities.

#### **9.40.030 Climate and Energy Action Plan Contents and Updates**

The Climate and Energy Action Plan and any updates must contain the following:

- A. Specific and measurable GHG reduction targets and milestones to guide and direct City Operations toward achieving the Plan’s carbon mitigation and fossil fuel reduction targets for the City.
- B. Specific and measurable GHG reduction targets and milestones to guide the Community toward achieving the Plan’s carbon mitigation and fossil fuel reduction targets for the Community.
- C. The above carbon mitigation and fossil fuel reduction targets for City Operations and for the Community must each be supported by at least the following elements in the Plan:
  - 1. Strategies, actions, timelines for meeting the Plan’s GHG and fossil fuel reduction targets.
  - 2. Schedule of periodic objective evaluations of progress towards achievement of the Plan’s GHG and fossil fuel reduction targets.
  - 3. Minimum reporting content and schedule for presentations to City Council on CEAP, GHG Inventory updates, and progress towards achievement the Plan’s GHG and fossil fuel reduction targets.
  - 4. Specific process for considering Plan amendments, including comprehensive review on a three year cycle.
  - 5. Specification of the responsibility of the Climate and Energy Action Plan Commission for providing advisory input on CEAP implementation and updates.

**SECTION 2. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 3. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-letter, provided however that any Whereas clauses and Sections 2 and 3 need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2017, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Melissa Huhtala, City Recorder

SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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John Stromberg, Mayor

Reviewed as to form:

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David H. Lohman, City Attorney