

ORDINANCE NO. C - _____

An ordinance creating a Sustainability Action Commission, describing its composition, and stating its goals, duties, and functions; and enacting a new chapter 04.36 to the Spokane Municipal Code.

WHEREAS, the extraction and combustion of fossil fuels are significant sources of greenhouse gas emissions and major contributors to climate change and pollution; and;

WHEREAS, local, regional, and global economies are transitioning to low-carbon energy sources, and businesses are leaders in providing energy efficiency and renewable energy technologies and services; and

WHEREAS, the future of the fossil fuel industry is questionable given global action to reduce greenhouse gas emissions; and

WHEREAS, changes in Spokane's climate are already being felt; and

WHEREAS, scientists found that climate change poses a significant threat to Washington's economy and impacts that are likely to include longer and more intense wildfire seasons, diminished fish and wildlife habitat, changes in precipitation patterns that will affect agriculture and hydro-electric energy generation, and increased disease vectors and invasive species; and

WHEREAS, Spokane's climate future is expected to be characterized by hotter, drier summers with more high-heat days, earlier springs with rapid snowpack melt, and warmer winters with more intense rain events; and

WHEREAS, the entire community will be impacted by climate change, but communities that already face existing socioeconomic and health inequities will be most severely impacted by these risks; and

WHEREAS, for thousands of years, indigenous peoples have called home what we now recognize as Spokane. We must respect this as native land, and in doing so act as its caretakers; and

WHEREAS, federally recognized tribal governments have a distinctive legal and political status separate from other sovereigns. Spokane therefore, has a unique responsibility to consult with, at a minimum, federally recognized tribal governments and urban Native American communities; and

WHEREAS, Spokane's first priority for meeting energy needs is energy efficiency, and the City remains committed to acquiring at a minimum all cost-effective energy efficiency available with a particular focus on achieving energy efficiency in low-income housing; and

WHEREAS, the economic opportunities presented by a clean energy transition far outweigh the opportunities to expanding the fossil fuel economy; and

WHEREAS, one sector alone, solar energy, accounts for over 300,000 jobs in the United States; and

WHEREAS, communities of color and low-income populations have been historically underserved by programs and investments and under-represented in decision making on climate policy; and

WHEREAS, cities and states are developing strategies to engage low-income populations and communities of color, minimize harms and hazards, and ensure economic, social, and environmental benefits are shared; and

WHEREAS, community-based development of environmental infrastructure, is an emerging and underutilized best practice for ensuring that economic, social, and environmental benefits are led and shared by low-income populations and communities of color and warrants further increased private capacity building investments in community facing organizations; and

WHEREAS, it is imperative that energy consumers and the utilities serving them take early action to reduce carbon emissions and shift to renewable energy; and

WHEREAS, achieving these goals will require action at all levels: individual, family, neighborhood, community, local, regional, state and federal governments, businesses and utilities; and

WHEREAS, "renewable energy" specifically excludes energy derived from fossil fuels, nuclear, and biomass energy from (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic and (ii) non-residual wood from standing trees; and

WHEREAS, any forest biomass energy project requires special consideration to ensure that ecosystem health is not harmed, that the project does not result in increased life-cycle carbon emissions, and that air quality and fish habitat is not degraded; and

WHEREAS, renewable energy must also be sustainable, both in terms of the conservation of fish and wildlife habitat and in the promotion of human health and racial, environmental, and economic justice, and therefore reliance on existing hydroelectric power requires special consideration to reduce negative ecological impacts to biological systems dependent on the affected watersheds; and

WHEREAS, access to the financial and environmental benefits of renewable energy must be shared equitably across all economic classes, and this can be achieved

through such mechanisms as community-based development of renewable energy infrastructure, equitable pricing structures, community solar programs with low-income communities, and non-profit organization leadership; and

WHEREAS, the renewable energy economy presents opportunities for workers in manufacturing, construction, and service sector and it is essential that workers play a role in helping drive innovation towards cleaner energy economies while creating and maintaining family-sustaining jobs; and

WHEREAS, local, state, tribal and federal government should adjust their laws and spending to encourage investment in energy efficiency, rooftop solar, low income community solar and should demand control technologies offer the opportunity to redistribute resources address poverty, stimulate new economic activity, and lift up those most impacted by high energy costs; and

WHEREAS, the benefits of affordability programs can ease the energy burden on low-income households, fostering equality as a percent of household incomes and preventing disconnections, and thus mitigate the impacts of price spikes and the cost of implementing renewable programs; and

WHEREAS, improving transit service to be less costly, readily accessible to all, use clean fuels, and especially available to low-income neighborhoods, will bring not only significant greenhouse gas reductions but also improve access to employment opportunities; and

WHEREAS, the construction of new fossil fuel infrastructure or expanded reliance on fossil fuels in utility resource mixes adversely impacts a renewable energy powered future and creates financial risk to customers through potential stranded assets; and

WHEREAS, energy conservation is critical to reducing fossil fuel demand, and increasing green infrastructure such as urban tree canopy, green streets, green roofs and other natural resource focused strategies are effective strategies to reduce energy consumption, urban heat island impacts and address disparities in the impacts of climate change on vulnerable communities; and

WHEREAS, the transportation sector accounts for a significant percent of greenhouse gas emissions in our community, and significant reductions in emissions from transportation are essential to achieving our climate-protection goals; and

WHEREAS, electrifying car, truck, and bus fleets will bring environmental and economic benefits to local residents, including lower cost transportation options for low income households; and

WHEREAS, local educational institutions (high schools, community colleges, universities), community-based job training programs, apprenticeship programs, and on-

the-job training providers are well situated to train the professionals who will design, implement, install, retrofit, and maintain the renewable energy infrastructure of the future; and

WHEREAS, equitably distributed solar energy paired with energy storage will build disaster resilience into our communities.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That there is adopted a new chapter 04.36 of the Spokane Municipal Code to read as follows:

Chapter 04.36 Sustainability Action Commission

Section 04.36.005 Definitions

- A. "Community-based renewable energy" shall mean energy that comes from resources which are naturally replenished on a human timescale, is created within the community or nearby region, and is used primarily (not necessarily fully) within the community.
- B. "Community-wide electricity" shall be defined by the Spokane Urban Growth Area boundary, as defined by the City Comprehensive Plan.
- C. "Renewable energy" shall mean energy from wind power; solar; existing and low-impact hydroelectric; geothermal; waste-to-energy sourced almost entirely from non-fossil fuel based waste; biomass energy from (i) organic by-products of pulping and the wood manufacturing process, (ii) animal manure, (iii) forest or field residues, (iv) untreated wooden demolition or construction debris, (v) food waste and food processing residuals, and (vi) liquors derived from algae; hydrogen from non-fossil fuel sources; and gas captured from renewable sources like wastewater treatment facilities, landfill gas, dairies and others. Renewable energy excludes energy derived from fossil fuels, nuclear, and biomass energy from (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic and (ii) non-residual wood from standing trees.

Section 04.36.010 Duties and Functions

The Sustainability Action Commission ("Commission") shall have the following duties and functions:

1. update the Sustainability Action Plan ("Plan") and its subsequent action plans at least every five years.

2. develop, as part of the Plan, an action plan to achieve 100% renewable energy for the city of Spokane's community electricity supply by no later than 2030, while identifying any economic, regulatory or technological challenges involved in attaining that objective.
3. develop a plan to supply 100 percent of the electricity for City operations from renewable energy by 2020 through a combination of on-site renewable electricity generation, utility-supplied renewables, and dedicated off-site renewable resources.
4. develop, as part of the Plan, a climate action plan to meet or exceed the City and Washington State mandated greenhouse gas emission reduction targets (mitigation) and plan for climate resilience (adaptation).
5. consult with all City divisions and departments to recommend to the Mayor and Council code or policy changes for Council consideration that advance the policies set forth in the Plan.
6. identify ways in which the City can assist energy utilities to help advance the City's renewable energy goals.
7. identify opportunities and advocate for the development of community-based renewable energy infrastructure to achieve a goal of meeting at least 10 percent of overall community-wide energy needs (including transportation, heating, and electricity) via such infrastructure by 2035
8. recommend to the Mayor and Council ways in which the City can assist local colleges, labor groups and workforce development agencies in the creation and development of training and retraining programs to assist workers displaced by implementation of the Plan.
9. identify strategies to assist community organizations looking to maximize energy efficiency.
10. recommend to the Mayor and Council policies to reduce the cost-burden to low-income citizens as a result of implementing the Plan.

Section 04.36.020 Membership

The Commission shall consist of eleven voting (11) members, who shall serve without compensation. The membership as a whole shall reflect a broad range of opinion, experience, socio-economic levels, races, ages, and expertise with the objective of implementing the Plan. To achieve that purpose, it may include but is not limited to:

1. At least one and not more than two members of 2009 Mayor’s Task Force on Sustainability;
 2. At least one and not more than two representatives of an energy utility serving customers in the city of Spokane;
 3. At least one faculty member from a local college or university with expertise in sustainability action planning or climate change;
 4. At least one and not more than two members or representatives of local or regional business or technology companies with a history of implementing sustainability initiatives; and
 5. At least one and not more than two representatives of the public health community knowledgeable about climate change related health impact; and
 6. At least one and not more than two members or representatives of local environmental or climate action advocacy groups; and
 7. At least one and not more than two representatives of low-income citizens; and
 8. One member of the City Council may serve on the Sustainability Action Committee as a non-voting member.
- A. The Commission shall determine its own leadership or governance structure and meeting times and places as it sees fit, except that the Commission's activities are subject to the requirements of Chapter 42.30 RCW (Open Meetings Act).

Section 04.05.030 Appointment and Removal

- A. Commission members are nominated by the Mayor and appointed by the City Council. Three (3) members shall be appointed for an initial term of one (1) year, three (3) members shall be appointed for an initial term of two (2) years, and four (4) members shall be appointed for an initial term of three (3) years. Upon the expiration of the initial terms, a member may receive no more than two subsequent appointments, each for three (3) years.
- B. Commission members appointed by the City Council pursuant to SMC 04.06.030(A) shall not be removed from office by the City Council before the expiration of their terms except for cause based upon a determination of incapacity, incompetence, the presence of irreconcilable conflicts of interest, neglect of duty, or malfeasance, and upon the affirmative vote of five (5) Council members. No commission member shall be removed without written notice of the intent to remove and an opportunity to provide a written response to the notice.

Section 04.36.040 Fiscal Impact Analyses Required

- A. The Commission shall undertake financial impact analyses to determine potential economic impact associated with implementing and not-implementing the Plan, including negative externalities. The Commission shall undertake analyses to determine potential economic and fiscal impacts associated with implementing and not-implementing Commission recommendations, including negative externalities.
- B. The Commission shall publish a fiscal impact statement for any proposed code or administrative policy change which will have an impact on city operations.
- C. Any fiscal impact statements or analyses prepared as required by this section shall be published on the City's website.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date