

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: December 18, 2006

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE PASADENA MUNICIPAL CODE TO CHANGE THE UTILITY ADVISORY COMMISSION TO THE ENVIRONMENTAL ADVISORY COMMISSION

TITLE OF THE PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE PASADENA MUNICIPAL CODE TO CHANGE THE UTILITY ADVISORY COMMISSION TO THE ENVIRONMENTAL ADVISORY COMMISSION

PURPOSE OF THE ORDINANCE:

The City Council directed the preparation of this ordinance on September 18, 2006. We have worked with various city departments in drafting the ordinance. The purpose of the ordinance is to establish an Environmental Advisory Commission to replace the Utility Advisory Commission. This new commission will advise and provide policy recommendations to the City Council concerning the City's environmental goals and policies.

REASONS WHY LEGISLATION IS NEEDED:

Replacement of the Utility Advisory Commission and establishment of a new Environmental Advisory Commission require amendment of the Pasadena Municipal Code.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Environmental Advisory Commission will consult and coordinate with other City commissions and City departments on environmental matters subject to the Commission's review (excluding oversight on daily administrative and operational activities of the City) and such other environmental issues requested by the City Council. The Utility Advisory Commission will terminate upon the effective date of this ordinance.

MEETING OF 12/18/2006

AGENDA ITEM NO. 9.A.3.

FISCAL IMPACT:

There would be no direct fiscal impact as a result of creating the proposed Environmental Advisory Commission.


POLICY CHANGES:

The proposed ordinance is intended to achieve the environmental goals set forth in the City's Environmental Charter (the Environmental Charter is Attachment 2 to the associated September 18, 2006 agenda report), the Urban Environmental Accords (adopted by City Council on September 18, 2006) and similar policy declarations. The utilities oversight function performed by the Utility Advisory Commission will cease; however, the Municipal Services Committee of the City Council will continue to review matters relating to the Water and Power Department.

Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Scott D. Rasmussen
Assistant City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Introduced by Councilmember

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING
THE PASADENA MUNICIPAL CODE TO CHANGE THE UTILITY
ADVISORY COMMISSION TO THE ENVIRONMENTAL ADVISORY
COMMISSION

The People of the City of Pasadena ordain as follows:

SECTION 1. Title 2, Chapter 2.140, Sections 2.140.010 and 2.140.020 are
hereby amended in their entirety to read:

Section 2.140.010 Short title.

This chapter shall be known as the “~~Utility~~ **Environmental** Advisory
Commission Ordinance.”

Section 2.140.020 Establishment.

There is created and established a commission of the city to be known as
Utility Environmental Advisory Commission and hereinafter called the
“commission.”

SECTION 2. Title 2, Chapter 2.140, Section 2.140.040 is hereby amended
in its entirety to read:

Section 2.140.040 Qualifications.

All members shall be residents of the city; provided, however, that a person
nominated by a ~~director~~ **councilmember** need not reside in the ~~director~~
councilmember’s district. **Members should have experience in at least one of**

the areas subject to commission purview under section 2.140.110 or have professional experience in disciplines relating to the environmental sciences.”

SECTION 3. Title 2, Chapter 2.140, Section 2.140.090 is hereby amended in its entirety to read:

Section 2.140.090 Annual report.

“The commission shall submit an annual report and workplan to the city council no later than September 1st of each year. **The annual report shall comment on the city’s progress and compliance with environmental policies and goals as established by the city council.** Attendance records of members shall be included as part of the annual report.”

SECTION 4. Title 2, Chapter 2.140, Section 2.140.110 is hereby amended in its entirety to read:

Section 2.140.110 Purpose and functions.

~~A. The purpose of the commission is to advise the council on policy matters related to the operation of the city’s water and power utilities, excluding daily operations.~~

A. The purpose of the commission is to provide policy advice to the city council for promoting environmental stewardship and urban sustainability in accordance with the city council’s endorsement of the “2005 United Nations Green Cities Declaration and Urban Environmental Accords”, the city’s adopted Environmental Charter, and such other related environmental policies as adopted by the city council.

B. The purpose of the commission is also to advise the city council on environmental policy matters related to the following, excluding the daily operations of city departments:

- 1. Energy;**
- 2. Waste reduction;**
- 3. Urban design;**
- 4. Preservation and enhancement of urban natural areas;**
- 5. Transportation;**
- 6. Environmental Health; and**
- 7. Water**

~~B. The commission shall advise and make recommendations to the city council concerning problems or policy matters as directed by the municipal services committee or the city council.~~

C. In addition to those matters set forth in subsections A and B, the commission shall advise and make recommendations to the city council as directed by the city council.

D. The commission shall consider environmental matters which have citywide impacts but shall not, unless directed by the city council, consider environmental matters relating to specific projects or developments, including without limitation, compliance with the California Environmental Quality Act.

~~C. In connection with the foregoing functions,~~

E. The commission shall consult and cooperate with other commissions and public bodies on matters relevant to the commission's purposes consistent with provisions in section 2.45.060.

~~D.~~ **F.** In carrying out its functions and duties, the commission may:

1. request ~~of any city department or agency~~ information, services, facilities and assistance **of any city department or agency** in furtherance of the objectives of the commission;
2. study and examine through the conduct of meetings conferences, public hearings or other appropriate methods those matters it is charged with;
3. **conduct outreach and education to the public, business and industry regarding environmental matters of city-wide impact. Act as a vehicle for necessary and useful public interface and consumer input to the water and power utilities.**

SECTION 5. Title 2, Chapter 2.100, Section 2.100.120 Subsection A of section 2.100.120 is hereby amended to read:

A. There shall be and there is created a fifteen (~~15~~) member Hahamongna Watershed Park advisory committee composed of the members of the commission, two (~~2~~) members of the northwest commission and two (~~2~~) members of the ~~utility~~ **environmental** advisory commission. The northwest commission and ~~utility~~ **environmental** advisory commission shall designate the members to serve on this advisory committee.”

SECTION 6. Title 13, Chapter 13.10, Section 13.10.035 Water shortage

plan implementation is hereby amended to read:

The department shall monitor and evaluate the projected supply and demand for water by its customers. In the event of a water shortage, the department shall recommend to the ~~board of directors~~ **city council** such water shortage plan or plans as provided in this chapter which permit the department to prudently plan for and supply water to its customers. The ~~utility advisory~~ **environmental advisory** commission shall review the department's recommendation. Prior to implementation of a water shortage plan as provided in this chapter, the ~~board of directors~~ **city council** shall hold a public hearing for the purposes of determining whether a water shortage exists and the water shortage plan or plans which may be appropriate to address the water shortage. Notice of the time and place of said public hearing shall be published not less than 10 days before the hearing in a newspaper of general circulation within the city. The ~~board of directors~~ **city council** may, upon finding that a water shortage exists, order implementation of such water shortage plan or plans as provided in this chapter which it deems appropriate to address the water shortage. Said order shall be made by public proclamation and shall be published one time only in a daily newspaper of general circulation and shall become effective immediately upon such publication. The provisions of section 13.10.050 shall take effect with the first full billing period commencing on or after the effective date of the ~~board of directors~~ **city council's** public proclamation. At any time during the water

shortage period, the ~~board of directors~~ **city council** may discontinue any plan or may implement another plan as provided in this chapter. Upon a finding by the ~~board of directors~~ **city council** that a water shortage no longer exists, any water shortage plan then in effect shall terminate.”

SECTION 7. This ordinance shall take effect upon its publication.

Signed and approved this _____ day of
December, 2006.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the
City Council at its meeting held December _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:

Scott D. Rasmussen
Scott D. Rasmussen (TRBB)
Assistant City Attorney