

# Agenda Report

November 14, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Water and Power Department

**SUBJECT: ADOPT A RESOLUTION TO DESIGNATE DEPARTMENT REPRESENTATIVES FOR WATER AND POWER PROGRAMS THAT INCLUDE REGULATORY COMPLIANCE REQUIREMENTS AND TO SUPERSEDE A PRIOR RESOLUTION**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find that the proposed action is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and Sections 15060(c)(2), 15060(c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required; and
2. Adopt a Resolution designating the General Manager and Assistant General Manager of the Water and Power Department as primary and alternate Authorized/Designated Representatives, or any title variation thereof, for any and all mandated or voluntary Water and Power programs that require compliance with laws and regulations, and supersede a prior Resolution.

## **BACKGROUND:**

On July 9, 2012, the Pasadena City Council adopted Resolution 9216 which designates primary and alternate "Representatives" to conduct transactions and submit reports for the Cap-and-Trade Program. Specifically, the General Manager of the Water and Power Department is appointed as the City's "Authorized Account Representative" and "Designated Representative," and the Assistant General Manager of the Water and Power Department is appointed as the "Alternate Authorized Account Representative" and "Alternate Designated Representative." Resolution 9216 is specific to position and program without a process to address a vacancy in the General Manager position or future programs that include similar official representation roles.

As per Section 95830(e) (1) of the Cap-and-Trade Regulation, changes in Directors, Officers, Partners, and Representatives must be made within 30 days. Considering the delays associated with hiring and program registration, compliant updates are unlikely.

Since the adoption of Resolution 9216, additional programs have been implemented that require official representatives responsible for program compliance, and/or involve transacting and/or reporting of results, including the Renewable Portfolio Standard and Low Carbon Fuel Standard. It is anticipated that California will continue to introduce new programs as it continues to drive greenhouse gas reduction and increased investment in renewable energy. While titles and compliance requirements vary by program, the representation roles, if/when required, function the same or similarly.

The recommended Resolution expands on the intent of and supersedes Resolution 9216 to any and all Water and Power programs requiring regulatory compliance and authorizes the Assistant General Manager to be designated to a primary role in the event of a vacancy in the General Manager position. This would officially delegate program oversight responsibility during the vacancy period to maintain operational and fiscal oversight and integrity to ensure that regulatory compliance is maintained. This designation would exist only until a new General Manager is in place and has successfully registered with the applicable regulatory body. Any representations, actions, inactions, or submissions by the Designated Representatives, or titles acting in a similar capacity, shall be binding on the City.

#### **COUNCIL POLICY CONSIDERATION:**

The current and future Water and Power programs represented by the proposed Resolution are governed by regulations, whether participation is required or voluntary. Regulated mandated programs such as Cap-and-Trade support the reduction of greenhouse gas emissions and are consistent with the following Urban Accords goals: Renewable Energy (Action 1); Climate Change (Action 3); Clean Vehicles (Action 4), and Clean Air (Action 8). In addition, the market-based incentivization mechanism of the program also supports the goal to maintain fiscal responsibility and stability.

Regulated voluntary programs such as Low Carbon Fuel Standard encourage the adoption of clean technologies such as electric vehicles which supports the City Council's strategic goals to increase conservation and sustainability, improve mobility and accessibility throughout the City of Pasadena, and support and promote the quality of life and the local economy.

#### **ENVIRONMENTAL ANALYSIS:**


The action proposed herein is not a project subject to the California Environmental Quality Act (CEQA) in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The adoption of a resolution which designates the General Manager and Assistant General Manager of the Water and Power Department as authorized Entity and Account/Designated Representatives for any and all federal, state, and local programs with regulatory compliance requirements is an organizational and administrative action that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Therefore, the proposed action is not a "project" subject to

CEQA, as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines. Since the action is not a project subject to CEQA, no environmental document is required.

**FISCAL IMPACT:**

This action is administrative with no fiscal impact or any indirect or support cost requirements. The anticipated impact to other operational programs or capital projects as a result of this action will be none.

Respectfully submitted,

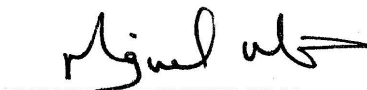
  
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