

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: AMENDMENT TO THE SAN JOSE
MUNICIPAL CODE TO ESTABLISH
A CLIMATE ADVISORY COMMISSION

FROM: Kerrie Romanow
Lori Mitchell

DATE: April 10, 2023

Approved



Date

4/18/2023

RECOMMENDATION

Approve an ordinance amending Part 21 of Chapter 2.08 of Title 2 of the San José Municipal Code to establish the Climate Advisory Commission and merge it with the Clean Energy Community Advisory Commission effective January 1, 2024.

SUMMARY AND OUTCOME

In June 2022, City Council directed staff to return with recommendations to establish a Climate Advisory Commission to be considered with the budget process. City Council further directed that staff consider merging the Climate Advisory Commission with the existing Clean Energy Community Advisory Commission (CECAC), inviting existing CECAC commissioners to complete their current terms, and appointing additional commissioners for vacant seats. The purpose of the Climate Advisory Commission is to bring together voices of technical experts, climate scientists, advocacy organizations, and community members to provide guidance and feedback on the Climate Smart plan, including the City's Pathway to Carbon Neutrality by 2030¹, and climate adaption measures. The Climate Advisory Commission will be composed of technical experts, scientists, advocacy organizations, youth, and community representatives. All commission members will be required to reside in San José unless City Council authorizes a non-resident member for one of the three technical expert commissioner seats. Commission members would be appointed by City Council in alignment with the City's nomination process under Council Policy 0-4. It is anticipated that the Climate Advisory Commission will meet on a quarterly basis and commissioners will serve a maximum of two, four-year terms. The Departments of Environmental Services, Transportation, Community Energy, and Planning, Building, and Code Enforcement will co-lead the commission, with the Environmental Services Department serving as the primary commission facilitator.

¹ <https://www.sanjoseca.gov/home/showpublisheddocument/93082/638065452005070000>

Staff received public support and input on the establishment of the Climate Advisory Commission through engagement with the CECAC and via public webinars. Establishing the Climate Advisory Commission requires the approval of amendments to the San José Municipal Code. If staff's recommendation to establish a Climate Advisory Commission is approved by City Council, staff expects to launch the new Climate Advisory Commission in January 2024.

BACKGROUND

The City of San José has taken ambitious action to combat the growing climate crisis. Through the 2018 adoption of the Paris-Agreement-aligned climate action plan, Climate Smart San José (Climate Smart), the City became the first city in the United States to take a bold stance in reducing greenhouse gas emissions in alignment with the Paris Agreement. In 2021, the City set another aggressive goal of accelerating Climate Smart initiatives to reach carbon neutrality by 2030. In June 2022, through City Council approval of the Pathway to Carbon Neutrality by 2030, the City strategically focused its acceleration efforts on four key strategies: 1) move to zero-emission vehicles; 2) reduce the miles we travel in our vehicles by 20 percent; 3) switch our appliances from fossil fuel to electric; and 4) power our community with 100 percent carbon-neutral electricity.

City Council approved the formation of San José Clean Energy (SJCE), a key component of the City's climate action efforts, and approved the establishment of its CECAC in May 2017. The CECAC provides guidance on SJCE's rates, planning, and programs.

In April 2022, the City's Charter Review Commission recommended that City Council establish a Climate Advisory Commission. In June 2022, City Council directed staff to return to City Council by February 2023 (deferred to May 2023) with a recommendation on establishing a Climate Advisory Commission and provided key provisions to include around the commission's scope of responsibility and composition. City Council also directed that the Climate Advisory Commission merge with the CECAC, inviting the current members of the CECAC to serve out the remainder of their CECAC terms. City Council directed staff to return to City Council with information on staffing and funding needs for establishing a Climate Advisory Commission.

In January 2023, staff met with the CECAC and held two public webinar events to introduce the concept of the Climate Advisory Commission and gather feedback on its composition.

ANALYSIS

The purpose of the Climate Advisory Commission is to serve as the community's voice and provide input on climate policy actions relating to adaptation and mitigation efforts and the Climate Smart Plan, focus areas of the Pathway to Carbon Neutrality by 2030 plan (transportation, buildings, and power source), and climate adaptation. To bring topics and respond to the Climate Advisory Commission's inquiries effectively, the Climate Advisory

Commission will be co-led by the Departments of Community Energy, Environmental Services, Planning, Building, and Code Enforcement, and Transportation, with the Environmental Services Department serving as the primary administrative process and commission meeting facilitator (e.g., coordinating between departments, supporting recruitments, etc.).

Staff met with the CECAC and held two public webinars to introduce the proposed concept of the Climate Advisory Commission and gather feedback. Overall, there is strong support for a Climate Advisory Commission, with recommendations to: 1) achieve a balance between technical experts and community representative seats and 2) require that all commissioners be San José residents. These recommendations were incorporated into the Climate Advisory Commission proposal.

The Climate Advisory Commission proposed will make changes to the San José Municipal Code regarding the CECAC by:

- Merging with and replacing the CECAC with a new Climate Advisory Commission;
- Increasing the total number of commission members from 9 to 11;
- Updating the special eligibility requirements to include City Council direction on the commissioner composition, update the technical expertise categories, and allow City Council to authorize residents outside of San José for the three technical expert commissioners only;
- Updating the function, powers, and duties of the commission to focus on the Climate Smart plan, the Pathway to Carbon Neutrality by 2030, and climate adaptation; and
- Updating the appointment process to allow CECAC members to serve out the remainder of their terms and to designate the Council Appointment Advisory Commission to review applications and nominate for City Council consideration all of the Climate Advisory Commission seats.

Based on research on other City commissions and other climate and environmental commissions in different jurisdictions (see summary in Attachment - Sample Climate and/or Environmental Commission Structures) and on stakeholder input, staff proposes the following for the new Climate Advisory Commission:

Climate Advisory Commission Seats

In 2022, with the adoption of the Pathway to Carbon Neutrality by 2030, the City recognized climate change as the most pressing issue of our time, calling for accelerated climate action initiatives. As the City continues to drive these efforts forward, ensuring equitable outcomes for all San José residents will require strong community and technical representation as well as diversity of representation at every step of the process.

For this reason, the proposed Climate Advisory Commission will consist of 11 total seats for: technical experts; community members; community-based and environmental organization representatives; labor, educational, or business institutions representatives; and youth. Table 1 below summarizes the proposed composition breakdown.

Table 1. Summary of the Proposed Climate Advisory Commission Composition

| Category | No. of Seat(s) | Special Requirements |
|---------------------------|-----------------------|--|
| Community Representatives | 5 | Community representatives (limit one per City Council district) |
| Youth Representative | 1 | Youth representative (14-21 years of age) |
| Special Eligibility | 3 | Technical experts with experience in clean energy, power planning, transportation, finance, climate science, planning and building, or environmental law |
| | 1 | Representative from a climate, environmental advocacy, or community-based organization |
| | 1 | Representative from labor, business, and/or educational institution |
| | 11 | Total proposed seats for the Climate Advisory Commission |

As part of City Council direction, the CECAC commissioners will be invited to serve on the Climate Advisory Commission for the remainder of their current term. Given the current term expirations, five CECAC commissioners may complete the remainder of their terms, ending in 2025, on the Climate Advisory Commission. The CECAC commissioners, whose terms expire in 2025, include two technical experts, one community representative, and two representatives from a climate/environmental advocacy organization.

Scope of Responsibility

The City Council direction was to identify and vet potential strategies for meeting San José's Climate Smart goals. Given the City Council's adoption of the Pathway to Carbon Neutrality by 2030, which accelerates Climate Smart goals and focuses staff's efforts in order to address the sources of the vast majority of San José's greenhouse gas emissions, staff recommends that the Climate Advisory Commission focus on Climate Smart Plan, the City Council-approved Pathway to Carbon Neutrality by 2030, and climate adaptation efforts to:

- Provide feedback on staff recommendations to the City Council and the Transportation and Environment Committee
- Serve as a community voice in matters related to San José's Climate Smart and climate adaptation initiatives
- Advise on SJCE's services and product offerings, Integrated Resource Plan, and programs

In alignment with this focused scope of responsibility, staff expects the year one workplan for a new Climate Advisory Committee to include the following topics:

- Quarter 1 Meeting (January - March):
 - Climate Smart Semi-Annual Update
 - SJCE Programs Roadmap

- Regulatory and Legislative Outlook
- Quarter 2 Meeting (April - June):
 - Transportation Semi-Annual Update
 - Outreach and Advocacy Strategy
- Quarter 3 Meeting (July - September):
 - Climate Smart Semi-Annual Update
 - SJCE Integrated Resource Plan (every two years)
- Quarter 4 Meeting (October - December):
 - Climate Special Session Update
 - SJCE Rates and Power Source Mix
 - Transportation Semi-Annual Update

Commissioner Terms

Commissioner terms shall be up to four years, and any commissioner may be appointed for a term of less than four years, as needed, in order to provide for appropriate staggered terms to preserve a continuity of membership on the commission. Commission members may serve a maximum of eight years and will be ineligible for reappointment to a third term unless there are no qualified applicants.

Appointments

Any San José resident will have the opportunity to apply for a seat on the Climate Advisory Commission. These applications will be reviewed by the Council Appointment Advisory Commission, which is also a commission comprised of representatives from the community. The Council Appointment Advisory Commission will then make its recommendations for nominations to the City Council.

Meeting Structure

As outlined in City Council Policy 0-4, the frequency and schedule of meetings will be determined by the Climate Advisory Commission's workplan, as approved by the Rules and Open Government Committee. Staff recommends that the Climate Advisory Commission, at a minimum, meet on a quarterly basis for a maximum of two hours each meeting.

Financial Need-Based Stipends for Boards and Commissions

Pursuant to San José Municipal Code Section 2.08.120, certain members of City boards or commissions established under Chapter 2.08 or the City of San José Charter may be eligible for a financial need-based stipend of \$200 for each meeting they attend, based on a low-income household as defined by the U.S. Department of Housing and Urban Development for the County of Santa Clara. Eligible members can complete the [Need-Based Stipend Application](#) and submit it to the Office of the City Clerk. The cost for stipends will be absorbed within the Environmental Services Department budget.

Next Steps

If approved by City Council, City staff anticipates the following next steps:

- July – October 2023 – Open Climate Advisory Commission applications (pending City Council direction and budget approval)
- December 2023: City Council approval of new Climate Advisory Commission members
- January 2024: Launch new Climate Advisory Commission

Alignment with Climate Smart San José

Establishing the Climate Advisory Commission helps to advance several goals under Climate Smart San José by facilitating:

- the reduction of energy or water use consumption, or increases in demand for renewable energy;
- the energy and water efficiency of homes and commercial buildings; and
- mobility choices other than single-occupancy, gas-powered vehicles.

EVALUATION AND FOLLOW-UP

Staff will continue to provide progress updates to the Transportation and Environment Committee and City Council on Climate Smart activities on a semi-annual basis.

COST SUMMARY/IMPLICATIONS

The creation of a Climate Advisory Commission, meeting quarterly, will result in an increased workload for the City. Depending on the number of commission members who apply for the financial need-based stipend, payments to commissioners may amount up to \$11,000 annually. All costs associated with the successful implementation of the Climate Advisory Commission are anticipated to be absorbed within the Environmental Services Department's budget.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Clerk's Office, City Manager's Budget Office, Department of Transportation, and Planning, Building, and Code Enforcement Department.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the May 2, 2023 City Council meeting.

In addition to the agenda posting, the following outreach efforts were undertaken:

During its meeting on January 19, 2023, staff presented the CECAC with a draft proposed concept of establishing a new Climate Advisory Commission and provided its input. Staff also conducted two one-hour public webinars in January 2023 to present the proposed Climate Advisory Commission concept and gather stakeholders' feedback. Webinar invitations were shared with over 1400 email contacts covering a variety of stakeholder groups, including neighborhood associations, community-based organizations, environmental advocacy organizations, non-profits, and technical organizations. Staff also promoted the webinars on social media, posted details on the Climate Smart San José webpage, and on SJCE's newsletter. City Council members were also notified of the webinars via email and were encouraged to share the information with their constituents.

COMMISSION RECOMMENDATION AND INPUT

During the meeting on January 19, 2023, the CECAC was presented the concept of establishing a new citywide Climate Commission where CECAC members are invited to serve the remainder of their term. Overall, the CECAC was supportive of the concept and offered feedback on the scope and composition of the commission. Specifically, CECAC recommends seats be filled by San José residents who represent a balance of community members and experts. CECAC also recommends City staff consider increasing the size to 11 seats. Finally, CECAC recommends that commissioners, City staff, and the public be able to nominate candidates for the new Climate Commission to assist with filling vacancies. CECAC looks forward to further engagement from City staff on the formation of the new commission.

CEQA

Not a Project, File No. PP17-007, Preliminary direction to staff and eventual action requires approval from a decision-making body.

HONORABLE MAYOR AND CITY COUNCIL

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PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

LORI MITCHELL

Director, Community Energy

/s/

KERRIE ROMANOW

Director, Environmental Services

For questions, please contact Julie Benabente, Deputy Director, at
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Attachment - Sample Climate and/or Environmental Commission Structures

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| Note: bi-monthly indicates meeting every other month; monthly indicates meeting one or more times a month. | | | | | | | |
|--|--|-----------|---------------------|-------------------|-----------------|------------------|--|
| | City of San José Commissions | Max. Size | Initial Term (Yrs.) | Meeting Frequency | # Terms Allowed | Max. Term (Yrs.) | Role/Responsibility |
| | Planning Commission | 11 | 4 | bi-monthly | 2 | 8 | Adoption or amendment of the General Plan and specific and redevelopment plans for the future physical development of the City; adoption or amendment of land use and redevelopment regulations; including zoning and subdivision; adoption of the Capital Improvement Program |
| | Parks and Recreation Commission | 11 | 4 | monthly | 2 | 8 | Advises the City Council on the City's system of parks, playgrounds, recreation centers and facilities, and recreation programs |
| | Neighborhoods Commission | 20 | 4 | monthly | 2 | 8 | Makes recommendations to City Council and redevelopment agency; and empower neighborhoods |
| | Housing and Community Development Commission | 13 | 4 | monthly | 2 | 8 | Advises the Director of Housing, the Mayor, and the City Council on housing and community development matters, including the Community Development Block Grant program |
| | Youth Commission | 11 | 2 | monthly | 2 | 4 | Makes recommendations to the City Council and to the Parks, Recreation, and Neighborhood Services Department on these issues, conducts forums to involve youth in the governmental decision-making process |
| | Historic Landmarks Commission | 7 | 4 | monthly | 2 | 8 | Maintains the Historic Resources Inventory, utilizing the Inventory as a tool in recommendations and Inventory listings as appropriate |
| | Library and Education Commission | 15 | 4 | monthly | 2 | 8 | Studies, reviews, evaluates, and makes recommendations to the City Council regarding existing or proposed library facilities, programs, operations, services, and financing |

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|--|--|----|--------|------------|---------------|-----|--|
| | Clean Energy Community Advisory Commission | 9 | 4 | bi-monthly | 2 | 8 | Provides feedback and input on the development of strategy and operating principles or models, informs the prioritization and development of energy programs, identifies areas of concern as well as innovative opportunities for reducing carbon emissions, monitors best practices of other Community Choice Energy programs, legislative and regulatory issues, and new energy developments, and acts as a liaison to the community for purposes of advocacy and outreach |
| | Senior Citizens Commission | 11 | 4 | monthly | 2 | 8 | Studies, reviews, evaluates, and makes recommendations to the City Council on any matters affecting elderly people in the City, including health, education, employment, housing, transportation, and recreation |
| | Civil Service Commission | 5 | 4 | monthly | No term limit | N/A | Makes recommendations to the City Council and the City Manager and conducts investigations concerning the administration of personnel in the classified service |
| | Community Stabilization and Opportunity Pathways Fund Commission | 14 | 2 or 4 | monthly | 2 | 4 | The Fund is intended to uplift under-resourced communities in San José through community stabilization and opportunity pathways; the Commission works with City staff to oversee the selection process and recommendation of a third-party Fund Manager to the City Council; the Fund Manager coordinates with the Commission to prepare a Strategic Plan for the Fund and to update the Strategic Plan every five years; the Fund Manager administers the grant process in coordination with the Commission |
| | Council Appointment Advisory Commission | 11 | 4 | quarterly | 2 | 8 | Reviews applications submitted to the Office of the City Clerk, interviews applicants with special eligibility requirements and makes recommendations to City Council as it relates to appointments to Boards and Commissions |

Attachment - Sample Climate and/or Environmental Commission Structures

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|--|---|-------------|----------------------------|--------------------------|------------------------|-------------------------|---|
| | Airport Commission | 11 | 4 | quarterly | 2 | 8 | Serves in an advisory capacity to the City Council and to the Director of Aviation on issues relating to the San José Mineta International Airport |
| | Arts Commission | 11 | 4 | monthly | 2 | 8 | Advises the City Council on all matters relating to the arts and cultural life of San José |
| | Salary Setting Commission | 5 | 4 | bi-monthly | 2 | 8 | Makes its recommendation to the city council and the council may adopt the recommended salaries |
| | median | 11 | 4 | monthly | 2 | 8 | |
| Type | Other Jurisdiction Climate/ Sustainability Commissions | Size | Initial Term (Yrs.) | Meeting Frequency | # Terms Allowed | Max. Term (Yrs.) | Role/Responsibility |
| Climate Commission | Chico | 7 | 4 | quarterly | 2 | 8 | Prepare, recommend adoption of, and make amendments to (1) the climate action plan and (2) federal, state, and regional policies and programs |
| Climate Commission | Petaluma | 9 | 4 | monthly | 1 | 4 | Performs duties designated and delegated by the City Council pertaining to climate action policy and their implementation within the city |
| Climate Change Commission | Honolulu | 7 | 5 | bi-annually | 2 | 10 | Provide advice and recommendations to the mayor, City Council, and executive departments as they look to draft policy and engage in planning for future climate scenarios |
| Youth Climate Commission (county-wide) | Los Angeles, CA | 25 | 2 | quarterly | 2 | 4 | Offer recommendations, ideas, and advice on County goals, plans, actions, and policies related to climate mitigation and adaptation |
| | median | 8 | 4 | quarterly | 2 | 8 | |

Attachment - Sample Climate and/or Environmental Commission Structures

| Type | Other Jurisdiction Sustainability/ Environmental Commissions | Size | Initial Term (Yrs.) | Meeting Frequency | # Terms Allowed | Max. Term (Yrs.) | Role/Responsibility |
|--|--|------|---------------------|-------------------|-----------------|------------------|---|
| Sustainability Commission | Santa Clara County (CA) | 13 | 4 | quarterly | 2 | 8 | Directed by their Board in October 2020 meeting to come back with a proposal/recommendation of establishing a Sustainability Commission to provide oversight over the implementation of the Sustainability Master Plan and membership representation will be aligned with the four priority areas in this plan: climate protection and defense, natural resources and the environment, community health and well-being, and prosperous and just economy |
| Sustainability Commission | Sunnyvale, CA | 7 | 4 | monthly | 2 | 8 | Advises the City Council on policy related to the environmental goals of the city's Climate Action Playbook and General Plan |
| Energy and Environmental Sustainability Commission | Milpitas, CA | 9 | 3 | monthly | No term limit | N/A | Serves as an active advisory group to the City Council on a variety of topics as directed by the City Council |
| Quality of Life Commission | San Anselmo, CA | 5 | 3 | monthly | 1 | 3 | Develop, integrate, and support the implementation of a sustainability element for the Town's General Plan |
| Sustainable City Commission | Long Beach, CA | 11 | 4 | monthly | 2 | 8 | Advises the City Council on environmental issues such as buildings and neighborhoods, urban nature, transportation, water, energy, waste reduction, and eco products and services, and is responsible for creating a Sustainable City action plan |
| Environmental Sustainability Commission | Fremont, CA | 7 | 4 | quarterly | 2 | 8 | Advises the City Council on emerging policy issues related to environmental sustainability |

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| Sustainability and Infrastructure Commission | San Mateo | 5 | 4 | monthly | 2 | 4 | Advisory body to the City Council, to advise on policies and programs related to environmental sustainability, transportation, and infrastructure |
| | median | 7 | 4 | monthly | 2 | 8 | |
| Type | Comparable Cities - Other Jurisdiction Sustainability/ Environmental Commissions | Size | Initial Term (Yrs.) | Meeting Frequency | # Terms Allowed | Max. Term (Yrs.) | Role/Responsibility |
| Planning and Sustainability Commission | Portland, OR | 11 | 4 | monthly | 2 | 8 | Has responsibility for the stewardship, development, and maintenance of the City's Comprehensive Plan, Climate Action Plan, and Zoning Code; by holding public hearings and discussing issues and proposals, the PSC develops recommendations to share with City Council |
| N/A | Seattle, WA | | | | | | Not applicable |
| Commission on the Environment | San Francisco, CA | 7 | 4 | bi-monthly | 2 | 8 | Sets policy for SF Environment and advises the mayor and Board of Supervisors on environmental matters |
| Environmental Quality and Sustainability Commission | Phoenix, AZ | 15 | 3 | monthly | 3 | 45 | Identify environmental issues and problems affecting the City of Phoenix and recommend to the City Council appropriate roles for the City in addressing those issues or problems in a manner which protects, restores, or enhances the natural and urban environments |
| Environmental Commission | Dallas, TX | 23 | 2 | quarterly | 2 | 4 | Act as an advisory body to the City Manager and the City Council to advise on CECAP implementation and environmental issues which arise in the city |

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|---|------------------------------------|-----------|----------|----------------|----------|----------|--|
| Environmental Justice Advisory Commission | Philadelphia, PA | 17 | 2 | monthly | 3 | 6 | Provides recommendations to the Mayor, City Council, and City agencies related to climate change impacts, environmental health, and community resiliency; focus on communities most affected by environmental injustices |
| Environmental Commission (county-wide) | Chicago, IL Cook County | 9 | 2 | bi-monthly | 2 | 4 | Ensures that Cook County is a leader in combating global warming; creates a working group of environmental professionals from Cook County's public and private sectors working together to devise and implement initiatives to combat global warming; promote sustainable legislation and policy aimed at reducing the carbon footprint within the geographic borders of Cook County; serves as a model for other governments by proactively combatting climate change with innovative and practical environmental initiatives |
| N/A | Houston, TX | | | | | | Not applicable |
| Commission on Environmental Quality | San Antonio, TX | 3 | 6 | monthly | 2 | 12 | The Texas Commission on Environmental Quality (TCEQ) is the environmental agency for the state; Commissioners are appointed by the Governor to establish overall agency direction and policy, and to make final determinations on contested permitting and enforcement matters; the mission of the TCEQ is to protect the state's public and natural resources consistent with sustainable economic development |
| N/A | San Diego, CA | | | | | | A Climate Action Plan Committee exists to serve as an active advisory group to the City Council on a variety of topics as directed by the City Council |
| N/A | New York, NY | | | | | | NYC does not have an official commission, but it has a Panel on Climate Change that serves a similar purpose to a commission |
| | median | 11 | 3 | monthly | 2 | 8 | |

Attachment - Sample Climate and/or Environmental Commission Structures

| Summary Results | | | | | | | |
|---|---|--------------------|-----------------------------|----------------------------|--------------------------|--------------------------|--|
| Status | Category | Max. Size (Median) | Initial Term (Yrs., Median) | Meeting Frequency (Median) | # Terms Allowed (Median) | Max. Term (Yrs., Median) | |
| Proposed | San José Climate Commission | 11 | 4 | quarterly | 2 | 8 | |
| Existing | Other City Commissions | 11 | 4 | monthly | 2 | 8 | |
| Existing | Other Climate Commissions | 8 | 4 | quarterly | 2 | 8 | |
| Existing | Comparable Cities Environmental Commissions | 11 | 3 | monthly | 2 | 8 | |
| Existing | Other Cities Environmental Commissions | 7 | 4 | monthly | 2 | 8 | |
| Bold indicates Top 10 largest U.S cities (2022), https://www.worldatlas.com/cities/10-largest-cities-in-the-united-states.html | | | | | | | |