



CITY OF BEND

To: Council Stewardship Subcommittee
From: Cassie Lacy
Date: November 21, 2019
Re: Proposed CCAP Amendments and CCAP Resolution

On November 6, 2019, City staff presented the Community Climate Action Plan (CCAP), as proposed by the Climate Action Steering Committee (CASC) to the City Council during a work session. The Community Climate Action Plan has been created by the Climate Action Steering Committee over 18 months of public process and community engagement to fulfill [City Council Resolution 3044](#), adopted in 2016.

The purpose of the 11/6/19 work session was to provide City Council background information on the CCAP, answer questions that the City Council had about the Plan, and for staff to get an indication if City Council was ready to take the Community Climate Action Plan to a vote. City Council is scheduled to vote on adopting the Community Climate Action Plan on December 4, 2019.

During the work session, Council indicated general support for the Plan and readiness to take the CCAP to a vote, but also had concerns and questions around one proposed action (*action EB3A*): *Implement a Home Energy Score program that requires every home to be scored on its energy use and energy efficiency at the time of listing*. The Council discussed that a program like this has merit and potential benefits, but that more information and community input is needed before moving forward with any kind of program. The primary concerns expressed included:

- The burden of the cost of assessment for homeowners in a mandatory program
- The number of qualified contractors available in the community to perform the assessment service
- That the recommendation was regulatory in nature, rather than voluntary

Council and staff had a discussion about how some of these concerns would be addressed during implementation of the recommended action and how some of these concerns could be addressed with changes to the proposed CCAP before adoption. Key points from this discussion that address some of the concerns included:



- The CCAP is a strategic plan and by nature, allows for flexibility in how the City decides to pursue recommended actions. Therefore, the City Council will have future discretion on specific resources, costs, or commitments that arise from pursuing this Plan's recommended actions.
- The CCAP alone does not have the authority to enact a regulation such as a mandatory Home Energy Score program. A mandatory program would require legislative action by a future Council through adoption by ordinance following a public hearing.
- The Council desires to review further potential home energy score programs to learn more about their benefits and costs, including a deeper review on whether a program should be voluntary, mandatory, or a pilot program. The Council wishes the CCAP to reflect the need for further analysis.
- Any future home energy score program would involve a comprehensive program development process that would involve key stakeholders, such as real estate industry professionals, and subject matter experts. This process would be transparent and seek input from the public.

The concern about the recommendation being regulatory in nature was not discussed in depth during the work session, but was discussed during previous engagements with Council. Relevant background about the CASC recommending one regulatory action includes:

- CASC members consulted with the Council Stewardship Subcommittee on July 30, 2019 about including one regulatory action and 41 voluntary programs, incentives, and investments. While no formal direction or decision is made during Subcommittee meetings, CASC members determined that Council feedback from that meeting did not indicate proposing one mandatory action was outside of their charge.
- While other actions are voluntary consistent with Council direction (Resolution 3044 Section 3.B.5), CASC also considered the direction that gave it the responsibility to help develop ordinances to implement the Community Action Plan, for adoption by the City Council. (Section 3.A.4)

Proposed CCAP Amendments

Based on the feedback from the 11/6/9 work session, staff propose the following change to action EB3A in the CCAP.

Change EB3A from:

- *“Implement a Home Energy Score Program that requires every home to be scored on its energy use and energy efficiency when it is sold, based on the Oregon Department of Energy statewide scorecard”*

To:

- *“Explore options for development of a Home Energy Score program that allows homes to be compared based on their energy use and energy efficiency, leveraging the US Department of Energy standard home energy scoring tools and industry best practice.”*



Proposed CCAP Resolution

Attached to this memo is the proposed Council Resolution for adopting the Community Climate Action Plan. The discussion from Council is reflected in the findings of the resolution. Sections K-N specifically intend to capture the discussion and approach around the home energy score program, the proposed change to the home energy score recommendation in the CCAP, and explicitly reflect Council's desire to review further whether a program should be voluntary, mandatory, or a pilot program.

If adopted, the resolution:

- Formally adopts the Community Climate Action Plan (with described edits)
- Directs the City Manager to take necessary steps to integrate the plan and ensures the activities do not lead to spending in amounts inconsistent with the need to fund the City's core services
- Directs that a new citizen advisory board be appointed to monitor progress of the CCAP and provide recommendations for specific CCAP activities
- Directs staff to update the plan every 3-5 years

Questions for Councilors:

- Does the proposed language change for EB3A address Council's concerns around the proposed home energy score program and do you support this language?
- Are you comfortable with the proposed resolution for adopting the CCAP?
- Do you have any other questions or concerns to address before the December 4, 2019 CCAP vote?



RESOLUTION NO. _____

A RESOLUTION ADOPTION THE BEND COMMUNITY ACTION PLAN: CLIMATE MITIGATION STRATEGIES AND ACTIONS: 2020-2025

FINDINGS

- A. The Bend community, from citizens, organizations, agencies and businesses to the City Council, has expressed a commitment to doing its part to seek to mitigate the impacts of climate change due to human caused greenhouse gas (GHG) emissions.
- B. On September 7, 2016, the Bend City Council adopted Resolution 3044, establishing climate action goals, and a process and timeline for budgeting, adopting and implementing climate action plans for City operations and the community.
- C. On February 7, 2018, Council adopted Resolution 3099, as amended, to create an ad hoc Climate Action Steering Committee (CASC) of thirteen members to reflect the diverse views of the community, to act in an advisory role to the City Council and City staff in meeting the City's goals related to climate action.
- D. Resolution 3044 provided that within approximately three years of adoption, the CASC would make a recommendation to the City Council on a Community (business, institutional, citizen and city collectively) Climate Action Plan, what entity should be responsible for creating and implementing the community action plan, and what targets (goals on carbon emission, sustainability, adaption) should be set for the community.
- D. Resolution 3044 further provided that the Community Climate Action Plan should include benchmarks, targets, policies, and actions consistent with the best available science and designed to achieve specified reduction goals. It also needed to include a sustainability cost benefit analysis (SCBA) of achieving the reduction goals for consideration as part of implementation, short and long term objectives/projects/adaptions, and specific and measurable objectives for each five-year period to ensure achievement of the Climate Action Goals.
- E. Between April 2018 and October 2019, The Climate Action Steering Committee held 13 meetings that were open to the public to develop and make decisions on recommended climate action strategies and actions. In October and November 2018, The Climate Action Steering Committee held an additional 8 technical advisory group meetings focused on specific focus areas that were open to the public to include stakeholders, subject matter experts, and interested community members in the strategy development process.
- F. Technical consultants were hired to conduct the SCBA on the proposed strategies in the Community Climate Action Plan. This analysis included an assessment of the greenhouse gas reduction potential, life cycle savings or expenditures associated

with each strategy, and an assessment of six environmental, economic and social cobenefit measures.

G. Community input into the Plan was also gained through a variety of other activities led by staff and committee members, including an online survey in January 2020 that received roughly 1,600 responses, an online open house that received roughly 900 unique views and 181 public comments, nearly 40 stakeholder interviews and 30 community presentations, and three meetings to the Bend Economic Development Advisory Board.

H. The Bend Community Action Plan, Climate Mitigation Strategies and Actions: 20-2025, attached as Exhibit A (“Community Action Plan” or “Plan”) includes 42 programs, policies, investments, or other kinds of initiatives that are intended to assist and encourage Bend residents and businesses to voluntarily reduce their greenhouse gas emissions. Each action identifies a lead entity for implementation and additional implementation partners. Implementation leads include the City of Bend and also external parties in the community, including but not limited to other public agencies and institutions, community organizations, utilities, and other private sector partners. The Plan actions are intended to be implemented or initiated within the next five years.

J. Implementing the Bend Community Climate Action Plan, Climate Mitigation Strategies and Actions: 2020-2025 will not achieve Bend’s climate action goals in full. The Council recognizes achieving its climate action goals will require additional strategies and actions to be developed in future years.

K. In the Section on Energy in Buildings, the Plan as recommended by CASC included a Home Energy Score program that requires every home to be scored on its energy use and energy efficiency at the time of listing. (Table 2, page 25). While other actions are voluntary consistent with Council direction (Resolution 3044 Section 3.B.5), CASC also considered the direction that gave it the responsibility to help develop ordinances to implement the Community Action Plan, for adoption by the City Council. (Section 3.A.4)

L. The City Council received multiple emails and testimony both in opposition to and in support of a mandatory requirement. The Council finds that there is merit to an energy score program, but also understands that information is still lacking on market readiness, price, the availability of licensed home energy preparers to meet market demand, etc., for such a program. Therefore, further investigation, additional community input and education is warranted. Council desires to review further whether a program should be voluntary, mandatory or a pilot program, and has amended the requirement accordingly.

M. Council wishes to emphasize that any mandatory program, if adopted in the future, would require legislative action by a future council through adoption by ordinance following a public hearing.

N. Council recognizes that a fundamental attribute of the overall Community Action Plan is that future policies, programs, and funding requests that achieve the Plan's actions and strategies will be developed with input from a citizen committee, its technical advisory groups and staff recommendations, and that the Council will have further discretion on those specific future activities. Therefore, Council acknowledges that this Plan will need to be integrated into future Council goals, work plans and budgets.

O. The City Council finds that the CASC engaged in a robust and well-represented process, respectful of a wide range of opinions, and has presented a thoughtful Community Action Plan that seeks to preserve our natural environment while promoting economic opportunity and resilience for current and future generations.

P. The City Council further finds that the Community Climate Action Plan, as recommended by the CASC with minor amendments as described, meets the goals of Resolution 3044 and that it is in the interest of the entire community to adopt the Plan as proposed.

Based on these findings, THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

Section 1. The Bend Community Action Plan, Climate Mitigation Strategies and Actions: 2020-2025, attached as Exhibit A, is formally adopted.

Section 2. The City Manager is directed to take the necessary steps to integrate the Plan and its components into city government operations, projects, operating plans, procedures and other decision-making processes. The City Manager will consider costs and other financial implications of each activity and ensure that the activities under this Plan do not lead to spending in amounts that may be inconsistent with the need to fund the City's core services.

Section 3. The City Council will form a new permanent citizen advisory board with the responsibility of monitoring progress of CCAP implementation, providing recommendations for specific activities to implement the CCAP's strategies and actions, assisting in the Plan updates, and advising the City Council on environmental issues. The Council's intent is to form it in the first quarter of 2020, by Council ordinance pursuant to the Bend Municipal Code Chapter 1.20.

Section 4. City staff are directed to update this Plan every 3-5 years, in conjunction with climate action advisory board, to determine if progress is being made towards climate action goals and to provide recommendations for new strategies or adjusting existing strategies to achieve goals as necessary, based on best available data, best practices, and lessons learned.

Section 5. The City Manager, or his or her designee, is authorized to make minor amendments to the Plan, consistent with the intent of the Plan, without Council approval.

Adopted by the City Council on _____, 2019

YES:

NO:

Sally Russell, Mayor

Attest:

Robyn Christie, City Recorder

Approved as to form:

Mary A. Winters, City Attorney

DRAFT