



**COUNCIL PRESIDENT
SCOTT H. PETERS**

CITY OF SAN DIEGO

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SAN DIEGO
COUNTY GRAND JURY

September 9, 2008

Honorable Kenneth So
Presiding Judge
San Diego County Superior Court
Main Courthouse, Third Floor
220 West Broadway
San Diego, CA 92101

Re: Grand Jury Report entitled "A Warmer World-A Challenge and An Opportunity"

Dear Judge So:

Pursuant to the California Penal Code Section 933.05 (a), (b) and (c), the San Diego City Council has provided the attached responses to the Grand Jury's report dated May 19, 2008.

In summary, on September 2, 2008, the City Council voted to approve the recommendations contained in Independent Budget Analyst Report Number 08-87 dated August 19, 2008.

A summary of the Council's response to the Grand Jury Report is attached along with the Independent Budget Analyst Report, the Mayor's response, and the resolution adopted by the City Council approving their response.

Sincerely,

Scott H. Peters

SHP/ms

Attachments: Council Response to "A Warmer World-A Challenge and An Opportunity"
IBA Report 08-87
Mayor's Response to "A Warmer World-A Challenge and An Opportunity"
Council Resolution No.R-2009-169

cc: Honorable Mayor
Councilmembers
Independent Budget Analyst

**San Diego City Council Responses to Finding and
Recommendations Made in the Grand Jury Report Entitled
“A Warmer World – A Challenge and An Opportunity”**

For each of the following items, the City Council joins the Mayor’s Response as reflected in the August 8, 2008 letter to the Honorable Kenneth So, Presiding Judge of the San Diego Superior Court:

Findings: 2, 3

Recommendation: 08-70

For each of the following items, the City Council responds as shown:

***Finding 1:** Local government has a responsibility to inventory global warming emissions in City operations and in the community at large, set reductions targets, create and implement an action plan.*

Response: Partially disagree. Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, requires statewide greenhouse gas (GHG) emissions to be reduced to 1990 levels by the year 2020. The California Air Resources Board (ARB) is responsible for setting the statewide reduction target, adopting mandatory reporting rules for significant sources of GHG emissions, and adopting an implementation plan to reduce emissions via regulations, market mechanisms and other actions. As the ARB is still in the process of developing this plan, the full scope of regulations and requirements is currently unknown. However, it is anticipated that the City will at minimum be required to inventory GHG emissions from City operations under the AB 32 reporting requirements, and in the future may be required to establish and meet emission reduction targets.

It is unclear whether the City will be required under AB 32 to inventory and report GHG emissions for the San Diego community at-large. While the City has voluntarily quantified emissions from both City operations and the community at-large in 1990, 2004, and 2007, a city-wide inventory may be unnecessary in the future. Under AB 32, the State of California has been established as the geographical area for which emission reduction targets have been set. In order to achieve those targets, the State appears to be taking a source-based approach, as opposed to a geographical or jurisdictional approach. In other words, it is the sources of GHG emissions that are being targeted instead of the emissions attributable to any one jurisdiction, such as the City of San Diego. For instance, GHG emissions that result from the use of electricity are likely to be quantified and reported to the State by other entities, such as generating facilities or utility providers. It may be redundant or unnecessary for the City to also quantify the

emissions that result from electricity use within the City's jurisdictional boundaries.

It should be noted that the City has been proactive in addressing climate protection, and has taken steps to inventory GHG emissions, set reduction targets and implement action plans. These efforts include adoption of the Sustainable Community Program in January 2002; adoption of the Climate Protection Action Plan in January 2004; adoption of a 50 megawatt renewable energy goal for private and public building by 2014; creation of the Sustainable Energy Advisory Board in 2003 to advise the Mayor and City Council on energy policy and assist in attaining the City's energy independence and renewable energy goals; and including climate protection as a component of the Conservation Element of the General Plan. In addition, Mayor Jerry Sanders signed the U.S. Conference of Mayors' Climate Protection Agreement that identifies a series of municipal commitments to reduce GHG emissions. While it is important that the City remain a leader in climate protection, the scope and extent of the City's efforts should be consistent with the approach taken by the State.

Recommendation 08-69: Review all policies, initiatives and resolutions listed in the Climate Protection Action Plan and strengthen them to include targets, benchmarks and timetables in order to meet the mandate of AB 32.

Response: The Recommendation has not been implemented but will be implemented in the future once the full scope of State regulations and requirements is known. The California Air Resources Board (ARB) is responsible for establishing guidelines and regulations to achieve the emission reduction targets under AB 32, and is currently developing a Scoping Plan, which contains the State's main strategies in reducing GHG emissions. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions and market-based mechanisms, such as a cap-and-trade system. A draft document was released in June 2008, and the ARB is currently taking public comment. The Scoping Plan is scheduled to go to the Board for adoption in November 2008. In order to understand the implications to the region, the City of San Diego is coordinating a statewide summit on September 4, 2008 for elected officials and key staff to review the ARB draft document and to develop recommendations.

The City's Climate Protection Action Plan, approved in January 2004, includes the goal of reducing GHG emissions to 15 percent below 1990 levels by 2012. This is a more aggressive goal than Statewide emission reduction targets under AB 32. While State regulations are still being developed to meet AB 32 targets, data from the City's emission inventories from 1990, 2004, and 2007 highlight the emission sources that will likely require greater attention in the future. However, it is critical that State regulations and requirements be established before the City's Climate Protection Action Plan is updated or amended to maximize

effectiveness and ensure coordination and consistency among climate protection efforts.

Aside from the Climate Protection Action Plan, the City also has a mechanism to monitor climate protection progress through the General Plan. Consistent with Public Resource Code Section 21081.6 and CEQA Section 15087 (b), the General Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP) requires that progress on implementation of General Plan policies be monitored through an annual General Plan Monitoring Report. The Monitoring Report also reports on progress toward meeting a set of Sustainable Community Indicators which were adopted by the City prior to the adoption of AB 32, but which include measures relevant to the AB 32 mandate. Climate protection measures are specifically addressed in the MMRP, and work is currently underway to develop specific actions to reduce GHG emissions for inclusion in the General Plan Action Plan and in the update to the City's Climate Protection Action Plan. Draft actions in the General Plan Action Plan include direction to amend the Land Development Code as needed to implement sustainability policies and to facilitate mixed-use village development.

Recommendation 08-71: Develop a formal structure whereby policy makers can interface with academia in order to develop policies that take into account all available options and technologies and that are based in fact.

Response: The Recommendation has been implemented. The Conservation Element of the General Plan includes policies that address coordination with academia. Policy CE-A.3 is to “collaborate with climate science experts.”

The most recent version of the Climate Protection Action Plan includes recommendations provided by the City Manager's As Hoc Advisory Committee. This committee was established specifically to enhance the then existing Climate Protection Action Plan and was disbanded after providing its input.

The City has initiated and actively participated in a number of roundtable discussions and policy forums with local academic institutions. As previously mentioned, the July 12, 2007 Regional Dialogue on Climate Protection was co-sponsored by San Diego State University and the City of San Diego.

Currently, one of the most successful coordination efforts is led by a nongovernmental entity, and is associated with the “2050 Study”. The San Diego Foundation, in association with funding from Bank of America, has commissioned UCSD to complete a detailed report about the effect of climate change on the San Diego region in 2050. City of San Diego staff are on the review committee.

In addition, Council Committees such as the Natural Resources and Culture Committee or the Land Use and Housing Committee are excellent venues for interaction between academia and policy makers. Former guest speakers at the Natural Resources and Culture Committee include Dr. Richard Somerville from the Scripps Institute of Oceanography, Dr. George Tchobanoglous from University of California at Davis, Dr. Art Ellis and Gary Matthews from University of California at San Diego, and Dr. M.E. Darian, creator of the Darian Garden.



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THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

Date Issued: August 19, 2008

IBA Report Number: 08-87

City Council Docket Date: September 2, 2008

Item Number: N/A

Response to Grand Jury Report Titled “A Warmer World – A Challenge and an Opportunity”

On May 8, 2008 the San Diego County Grand Jury issued a report to local elected officials entitled “A Warmer World – A Challenge and an Opportunity.” The Report was directed to City of San Diego Mayor Jerry Sanders, the San Diego City Council, Chula Vista Mayor Cheryl Cox, the Chula Vista City Council, the San Diego County Board of Supervisors, and the San Diego Association of Governments (SANDAG) Board of Directors.

The purpose of the Grand Jury Report was to call attention to the impact of climate change in the San Diego region, review policies and practices in regard to greenhouse gas (GHG) emission reduction, and to suggest ways that local governments can positively affect climate change. It contains a total of 11 findings and nine recommendations. Of those, three findings and three recommendations are directed at the City of San Diego. Both the Mayor and the City Council were required to provide comment to the Presiding Judge of the San Diego Superior Court on each of the findings and recommendations directed at the City of San Diego in the Grand Jury Report by August 21, 2008. The Mayor’s responses were issued on August 8, 2008; however, due to the City Council’s legislative calendar, the Presiding Judge granted an extension for the City Council’s response to September 12, 2008. This report presents the City Council’s response as recommended by the IBA.

The Mayor’s responses to the findings and recommendations were issued on August 8, 2008. For each finding and recommendation, the City Council may either join the Mayor’s response, respond with a modification of the Mayor’s response, or respond

Office of Independent Budget Analyst

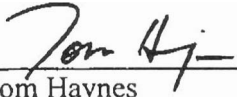
202 C Street, MS 3A • San Diego, CA 92101
Tel (619) 236-6555 Fax (619) 236-6556

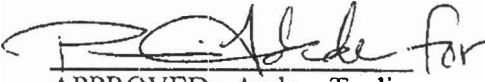


independently of the Mayor. The table below provides a summary of the IBA's recommendations.

Recommendation:	08-70	<i>Join the Mayor's Response</i>
Findings:	2, 3	
Recommendation:	08-71	<i>Respond with Modification of the Mayor's Response</i>
Recommendation:	08-69	<i>Respond Independently of the Mayor</i>
Finding:	1	

The full text of the Mayor's responses, and the IBA's recommended responses on behalf of the City Council can be found in the attachment to this report.


Tom Haynes
Fiscal & Policy Analyst


APPROVED: Andrea Tevlin
Independent Budget Analyst

Attachment

**Recommended City Council Responses to Finding and Recommendations in
Grand Jury Report “A Warmer World – A Challenge and an Opportunity”**

GRAND JURY FINDINGS

***Finding 1:** Local government has a responsibility to inventory global warming emissions in City operations and in the community at large, set reductions targets, create and implement an action plan.*

Mayor’s Response: Disagree partially with this Finding. The Facts presented in the Grand Jury Report identify the actions taken by the City of San Diego to inventory global warming emissions, set reduction targets and to create and implement an action plan. These include: 1) adoption of the Sustainable Community Program in January 2002; 2) adoption of the Climate Protection Action Plan in January 2004; and 3) including climate protection as a component of the Conservation Element of the General Plan. In addition, Mayor Jerry Sanders signed the U.S. Conference of Mayors’ Climate Protection Agreement that identifies a series of municipal commitments to reduce GHG emissions. At the State level, California is currently developing regulatory mandates associated with the Global Warming Solutions Act of 2006 (AB 32). This will likely impact local governments’ responsibilities. While the City has been proactive in addressing climate protection, it may be more appropriate in certain cases for State and Federal legislation to provide a framework for local government actions. By so doing, it could ensure a consistent approach, rather than each municipality developing and implementing individual policies and procedures.

IBA Recommendation: Do not join the Mayor’s Response and instead respond with the following:

Partially disagree. Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, requires statewide greenhouse gas (GHG) emissions to be reduced to 1990 levels by the year 2020. The California Air Resources Board (ARB) is responsible for setting the statewide reduction target, adopting mandatory reporting rules for significant sources of GHG emissions, and adopting an implementation plan to reduce emissions via regulations, market mechanisms and other actions. As the ARB is still in the process of developing this plan, the full scope of regulations and requirements is currently unknown. However, it is anticipated that the City will at minimum be required to inventory GHG emissions from City operations under the AB 32 reporting requirements, and in the future may be required to establish and meet emission reduction targets.

It is unclear whether the City will be required under AB 32 to inventory and report GHG emissions for the San Diego community at-large. While the City has voluntarily quantified emissions from both City operations and the community at-large in 1990, 2004, and 2007, a city-wide inventory may be unnecessary in the future. Under AB 32, the State of California has been established as the geographical area for which emission reduction targets have been set. In order to achieve those targets, the State appears to be taking a source-based approach, as opposed to a geographical or jurisdictional approach.

In other words, it is the sources of GHG emissions that are being targeted instead of the emissions attributable to any one jurisdiction, such as the City of San Diego. For instance, GHG emissions that result from the use of electricity are likely to be quantified and reported to the State by other entities, such as generating facilities or utility providers. It may be redundant or unnecessary for the City to also quantify the emissions that result from electricity use within the City's jurisdictional boundaries.

It should be noted that the City has been proactive in addressing climate protection, and has taken steps to inventory GHG emissions, set reduction targets and implement action plans. These efforts include adoption of the Sustainable Community Program in January 2002; adoption of the Climate Protection Action Plan in January 2004; and including climate protection as a component of the Conservation Element of the General Plan. In addition, Mayor Jerry Sanders signed the U.S. Conference of Mayors' Climate Protection Agreement that identifies a series of municipal commitments to reduce GHG emissions. While it is important that the City remain a leader in climate protection, the scope and extent of the City's efforts should be consistent with the approach taken by the State.

Finding 2: Regulations need to be in place in order to implement adopted policies and reduce the City's carbon footprint.

Mayor's Response: Disagree partially with this finding. Regulations are one option to reduce greenhouse gas emissions. In contrast, the Federal and State governments have often relied on a voluntary approach. The City also has voluntary programs in place, such as the "Sustainable Building Policy" (Council Policy 900-14) and the associated Expedite Program for the private sector. However, in order to meet the GHG emission reduction target associated with AB 32, municipalities may have to use their authority to develop and adopt mandates that will more quickly advance GHG emission reduction. This may include "Green Building" codes and standards. It is important to note that many key GHG sources (e.g. reduce vehicle miles traveled, energy and water conservation, vehicle fuel efficiency) may require intercession by the Federal and/or State government.

IBA Recommendation: Join the Mayor's Response.

Finding 3: Local policy makers should make better use of the expertise of the researchers and the accumulated scientific information that is available in the San Diego academic community.

Mayor's Response: Agree with this Finding. The City is increasing their level of coordination with UCSD, SDSU, Scripps Institution of Oceanography and nongovernmental organizations to develop a regional plan for climate change mitigation and adaptation.

IBA Recommendation: Join the Mayor's Response.

GRAND JURY RECOMMENDATIONS

Recommendation 08-69: Review all policies, initiatives and resolutions listed in the Climate Protection Action Plan and strengthen them to include targets, benchmarks and timetables in order to meet the mandate of AB 32.

Mayor's Response: The Recommendation has not yet been implemented and will be implemented in the future, with the goal of meeting the timelines once established by the State.

Implementation Plan

There are three reporting pathways that the City has in place that will facilitate the review of policies and initiatives on a routine basis:

1. The City's Climate Protection Action Plan, approved in January 2004, includes a goal of achieving a GHG emission reduction of 15% below 1990 by 2012. This is more aggressive than (sic) than that of the State, but does not extend beyond 2012. The inventories from 1990, 2004 and 2007 indicate that the City organization is closer to achieving the goal than the San Diego community. The data highlights those sources of emissions that will require additional attention.
2. Consistent with Public Resource Code Section 21081.6 and CEQA Section 15087 (b), the General Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP) requires that progress on implementation of General Plan policies be monitored through an annual General Plan Monitoring Report. The Monitoring Report also reports on progress toward meeting a set of Sustainable Community Indicators which were adopted by the City prior to the adoption of AB 32; but which include measures relevant to the AB 32 mandate. Climate protection measures are specifically addressed in the MMRP, and work is currently underway to develop specific actions to reduce GHG emissions for inclusion in the General Plan Action Plan and in the update to the City's Climate Protection Action Plan. Draft actions in the General Plan Action Plan include direction to amend the Land Development Code as needed to implement sustainability policies and to facilitate mixed-use village development.
3. The California Air Resources Board (ARB) is responsible for developing the priorities and guidelines to establish objectives and milestones for AB 32. The draft document will be (sic) released in June 2008, and public comment will be allowed up until the November ARB meeting. In order to understand the implications to the region, the City of San Diego is coordinating a statewide summit for elected officials and key staff to review the ARB draft document and to develop recommendations. The meeting is scheduled for September 4, 2008.

IBA Recommendation: Do not join the Mayor's Response and instead respond with the following:

The Recommendation has not been implemented but will be implemented in the future once the full scope of State regulations and requirements is known. The California Air

Resources Board (ARB) is responsible for establishing guidelines and regulations to achieve the emission reduction targets under AB 32, and is currently developing a Scoping Plan, which contains the State's main strategies in reducing GHG emissions. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions and market-based mechanisms, such as a cap-and-trade system. A draft document was released in June 2008, and the ARB is currently taking public comment. The Scoping Plan is scheduled to go to the Board for adoption in November 2008. In order to understand the implications to the region, the City of San Diego is coordinating a statewide summit on September 4, 2008 for elected officials and key staff to review the ARB draft document and to develop recommendations.

The City's Climate Protection Action Plan, approved in January 2004, includes the goal of reducing GHG emissions to 15 percent below 1990 levels by 2012. This is a more aggressive goal than Statewide emission reduction targets under AB 32. While State regulations are still being developed to meet AB 32 targets, data from the City's emission inventories from 1990, 2004, and 2007 highlight the emission sources that will likely require greater attention in the future. However, it is critical that State regulations and requirements be established before the City's Climate Protection Action Plan is updated or amended to maximize effectiveness and ensure coordination and consistency among climate protection efforts.

Aside from the Climate Protection Action Plan, the City also has a mechanism to monitor climate protection progress through the General Plan. Consistent with Public Resource Code Section 21081.6 and CEQA Section 15087 (b), the General Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP) requires that progress on implementation of General Plan policies be monitored through an annual General Plan Monitoring Report. The Monitoring Report also reports on progress toward meeting a set of Sustainable Community Indicators which were adopted by the City prior to the adoption of AB 32, but which include measures relevant to the AB 32 mandate. Climate protection measures are specifically addressed in the MMRP, and work is currently underway to develop specific actions to reduce GHG emissions for inclusion in the General Plan Action Plan and in the update to the City's Climate Protection Action Plan. Draft actions in the General Plan Action Plan include direction to amend the Land Development Code as needed to implement sustainability policies and to facilitate mixed-use village development.

Recommendation 08-70: *Develop an education and outreach program to inform the public, schools, professional associations, business and industry, and other jurisdictions about what they can do to reduce pollution, which may contribute to GHG.*

Mayor's Response: The Recommendation has been implemented. The City has sponsored a number of public forums about climate protection and resource conservation during the past eight years, and new responsibilities under AB 32 may increase the need to further education and outreach efforts. The City of San Diego has taken a leadership role in the region to coordinate

multi-jurisdictional workshops that are designed to provide “best in class” technical and policy recommendations. Examples include the July 12, 2007 Regional Summit, which was the first regional dialogue for elected officials and key staff on climate protection. San Diego State University co-hosted the event. The Regional Summit was followed by a staff workshop hosted by the City in November 2007. The City will also be coordinating a Statewide Summit in September 2008.

Staff funding is provided to the City for the “Green Schools” program, which is a component of the City’s Partnership Program with San Diego Gas & Electric and the California Public Utilities Commission. The program began in 2000 and the target audience is high school students. This is a four-part program that continues to raise awareness about the link between energy conservation and climate protection. The “Green Schools” program includes an in-class lecture, instructions on completing an energy audit, and the opportunity to assist with an energy efficiency project in the community at a qualified facility. Also associated with this is the annual Youth Forum, which is held in the Spring. Guest speakers include experts who can provide real-world case studies on the importance of climate protection. The Youth Forum is often televised on City TV.

Effective public education can also be the result of mandates and guidelines. Three examples include: 1) Guidelines for planning and development; 2) Building codes and standards; and 3) Council Meeting and Council Committee Meetings.

The General Plan specifically addresses sustainability and climate change through policies on: GHG emissions; air quality; transit/land use coordination; alternative modes of transportation; urban heat island; health, walkable communities; green buildings; clean technology industries; resource conservation and management; and urban forestry. The educational component is inherent, and it will be especially evident to those businesses/companies that become part of a project review process.

Similarly, the City Council took an aggressive stance to reduce energy used in new buildings. The adopted policy calls for the City to “develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, to achieve net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings.” Public education is achievable through a phased-approach to mandatory codes and standards.

A third example is the ongoing public workshops on the General Plan Action Plan. The June 18, 2008 presentation to Land Use and Housing Committee is the most recent example of a public forum. The televised presentation on City TV made the information more accessible to many people.

IBA Recommendation: Join the Mayor’s Response.

Recommendation 08-71: Develop a formal structure whereby policy makers can interface with academia in order to develop policies that take into account all available options and technologies and that are based in fact.

Mayor's Response: The Recommendation has been implemented. The Conservation Element of the General Plan includes policies that address coordination with academia. Policy CE-A.3 is to "collaborate with climate science experts."

The most recent version of the Climate Protection Action Plan includes recommendations provided by the City Manager's As Hoc Advisory Committee. This committee was established specifically to enhance the then existing Climate Protection Action Plan and was disbanded after providing its input.

The City has initiated and actively participated in a number of roundtable discussions and policy forums with local academic institutions. As previously mentioned, the July 12, 2007 Regional Dialogue on Climate Protection was co-sponsored by San Diego State University and the City of San Diego.

Currently, one of the most successful coordination efforts is led by a nongovernmental entity, and is associated with the "2050 Study". The San Diego Foundation, in association with funding from Bank of America, has commissioned UCSD to complete a detailed report about the effect of climate change on the San Diego region in 2050. City of San Diego staff are on the review committee.

IBA Recommendation: Respond with a modification of the Mayor's Response by adding the following paragraph at the end:

In addition, Council Committees such as the Natural Resources and Culture Committee or the Land Use and Housing Committee are excellent venues for interaction between academia and policy makers. Former guest speakers at the Natural Resources and Culture Committee include Dr. Richard Somerville from the Scripps Institute of Oceanography, Dr. George Tchobanoglous from University of California at Davis, Dr. Art Ellis and Gary Matthews from University of California at San Diego, and Dr. M.E. Darian, creator of the Darian Garden.

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JERRY SANDERS
MAYOR

August 8, 2008

Honorable Kenneth K. So
Presiding Judge, San Diego Superior Court
220 West Broadway, Presiding Department
San Diego, CA 92101

Dear Judge So:

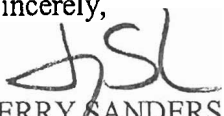
Subject: Response to San Diego County Grand Jury 2007-2008 report entitled "A Warmer World- A Challenge and An Opportunity"

In accordance with California Penal Code §933.05, the City of San Diego has thoroughly reviewed the May 22, 2008 Grand Jury Report and has prepared responses to each of the Findings and Recommendations contained therein.

The City greatly appreciates the efforts of the Grand Jury to review issues associated with climate change. The Report is essentially accurate regarding the City's actions to advance greenhouse gas (GHG) emission reduction. The City's response to the Findings and Recommendations serves to clarify the role of the City of San Diego, and the relationship to regional, State and national policies.

Please contact Chris Gonaver, Director, Environmental Services Department at (858) 573-1212 if you have additional questions.

Sincerely,


JERRY SANDERS
Mayor

cc: San Diego County Grand Jury
Chief Operating Officer
San Diego City Council
Deputy Chief, Community Services
Environmental Services Department Director
City Clerk
Administration Department Director

August 8, 2008

Honorable Kenneth K. So
Presiding Judge, San Diego Superior Court
220 West Broadway, Presiding Department
San Diego, CA 92101

Subject: Response to San Diego County Grand Jury 2007-2008 report entitled "A Warmer World- A Challenge and An Opportunity"

This letter provides responses to the Findings and Recommendations contained in the 2007-2008 Grand Jury Report of May 22, 2008.

PURPOSE of the STUDY

The purpose of the County Grand Jury Report (Report) was to call attention to the importance of addressing climate change impacts in the San Diego region, to review local government policies and practices regarding greenhouse gas (GHG) emission reduction, and to suggest options that may bring about favorable results. In doing so, the Report provided background on the actions taken thus far by the City of San Diego, including the Climate Protection Action Plan, U.S. Conference of Mayors' Climate Protection Agreement, and the Conservation Element of the City's General Plan.

DISCUSSION

In general, City staff found the Report to have accurate descriptions of the actions taken to reduce GHG emissions in the City. In the response to the Grand Jury Findings and Recommendations, the City has provided additional information to clarify its role as a component of other regional, State and national strategies.

Response to Grand Jury Findings

Finding #01: Local government has a responsibility to inventory global warming emissions in City operations and in the community at large, set reduction targets, create and implement an action plan.

(a)(2) Disagree partially with this Finding. The Facts presented in the Grand Jury Report identify the actions taken by the City of San Diego to inventory global warming emissions, set reduction targets and to create and implement an action plan. These include: 1) adoption of the Sustainable Community Program in January 2002; 2) adoption of the revised Climate Protection Action Plan in January 2004; and 3) including climate protection as a component of the Conservation Element of the General Plan. In addition, Mayor Jerry Sanders signed the U.S. Conference of Mayors' Climate Protection

addition, Mayor Jerry Sanders signed the U.S. Conference of Mayors' Climate Protection Agreement that identifies a series of municipal commitments to reduce GHG emissions. At the State level, California is currently developing regulatory mandates associated with the Global Warming Solutions Act of 2006 (AB 32). This will likely impact local governments' responsibilities. While the City has been proactive in addressing climate protection, it may be more appropriate in certain cases for State and Federal legislation to provide a framework for local government actions. By so doing, it could ensure a consistent approach, rather than each municipality developing and implementing individual policies and procedures.

Finding #02: Regulations need to be in place in order to implement adopted policies and reduce the City's carbon footprint.

(a)(2) Disagree partially with this Finding. Regulations are one option to reduce greenhouse gas emissions. In contrast, the Federal and State governments have often relied on a voluntary approach. The City also has voluntary programs in place, such as the "Sustainable Building Policy" (Council Policy 900-14) and the associated Expedite Program for the private sector. However, in order to meet the GHG emission reduction target associated with AB 32, municipalities may have to use their authority to develop and adopt mandates that will more quickly advance GHG emission reduction. This may include "Green Building" codes and standards. It is important to note that many key GHG sources (e.g. reduce vehicle miles traveled, energy and water conservation, vehicle fuel efficiency) may require intercession by the Federal and/or State government.

Finding #03: Local policy makers should make better use of the expertise of the researchers and the accumulated scientific information that is available in the San Diego academic community.

(a)(1) Agree with this Finding. The City is increasing their level of coordination with UCSD, SDSU, Scripps Institution of Oceanography and nongovernmental organizations to develop a regional plan for climate change mitigation and adaptation.

Response to Grand Jury Recommendations

08-69: Review all policies, initiatives and resolutions listed in the Climate Protection Action Plan and strengthen them to include targets, benchmarks and timetables in order to meet the mandate of AB 32.

(b)(2) The Recommendation has not yet been implemented and will be implemented in the future, with the goal of meeting the timelines once established by the State.

Implementation Plan

There are three reporting pathways that the City has in place that will facilitate the review of policies and initiatives on a routine basis:

1. The City's Climate Protection Action Plan, approved in January 2004, includes a goal of achieving a GHG emission reduction of 15% below 1990 by 2012. This is more aggressive than that of the State, but does not extend beyond 2012. The inventories from 1990, 2004 and 2007 indicate that the City organization is closer to achieving the goal than the San Diego community. The data highlights those sources of emissions that will require additional attention.
2. Consistent with Public Resources Code Section 21081.6 and CEQA Section 15087 (b), the General Plan Environmental Impact Report and Mitigation Monitoring and Reporting Program (MMRP) requires that progress on implementation of General Plan policies be monitored through an annual General Plan Monitoring Report. The Monitoring Report also reports on progress toward meeting a set of Sustainable Community Indicators which were adopted by the City prior to the adoption of AB 32, but which include measures relevant to the AB 32 mandate. Climate protection measures are specifically addressed in the MMRP, and work is currently underway to develop specific actions to reduce GHG emissions for inclusion in the General Plan Action Plan and in the update to the City's Climate Protection Action Plan. Draft actions in the General Plan Action Plan include direction to amend the Land Development Code as needed to implement sustainability policies and to facilitate mixed-use village development.
3. The California Air Resources Board (ARB) is responsible for developing the priorities and guidance to establish objectives and milestones for AB 32. The draft document will be released in June 2008, and public comment will be allowed up until the November ARB meeting. In order to understand the implications to the region, the City of San Diego is coordinating a statewide summit for elected officials and key staff to review the ARB draft document and to develop recommendations. The meeting is scheduled for September 4, 2008.

08-70: Develop an education and outreach program to inform the public, schools, professional associations, business and industry, and other jurisdictions about what they can do to reduce pollution, which may contribute to GHG.

(b)(1) The Recommendation has been implemented.

The City has sponsored a number of public forums about climate protection and resource conservation during the past eight years, and new responsibilities under AB 32 may increase the need to further education and outreach efforts. The City of San Diego has taken a leadership role in the region to coordinate multi-jurisdictional workshops that are designed to provide "best in class" technical and policy recommendations. Examples include the July 12, 2007 Regional Summit, which was the first regional dialogue for elected officials and key staff on climate protection. San Diego State University co-hosted the event. The Regional Summit was followed by a staff workshop hosted by the City in November 2007. The City will also be coordinating a Statewide Summit in September 2008.

Staff funding is provided to the City for the “Green Schools” program, which is a component of the City’s Partnership Program with San Diego Gas & Electric and the California Public Utilities Commission. The program began in 2000 and the target audience is high school students. This is a four-part program that continues to raise awareness about the link between energy conservation and climate protection. The “Green Schools” program includes an in-class lecture, instructions on completing an energy audit, and the opportunity to assist with an energy efficiency project in the community at a qualified facility. Also associated with this is the annual Youth Forum, which is held in the Spring. Guest speakers include experts who can provide real-world case studies on the importance of climate protection. The Youth Forum is often televised on City TV.

Effective public education can also be the result of mandates and guidelines. Three examples include: 1) Guidelines for planning and development; 2) Building codes and standards; and 3) Council Meetings and Council Committee Meetings.

The General Plan specifically addresses sustainability and climate change through policies on: GHG emissions; air quality; transit/land use coordination; alternative modes of transportation; urban heat island; healthy, walkable communities; green buildings; clean technology industries; resource conservation and management; and urban forestry. The educational component is inherent, and it will be especially evident to those businesses/ companies that become part of a project review process.

Similarly, the City Council took an aggressive stance to reduce energy used in new buildings. The adopted policy calls for the City to “develop and implement sustainable building standards for new and significant remodels of residential and commercial buildings to maximize energy efficiency, to achieve net zero energy consumption by 2020 for new residential buildings and 2030 for new commercial buildings.” Public education is achievable through a phased-approach to mandatory codes and standards.

A third example is the ongoing public workshops on the General Plan Action Plan. The June 18, 2008 presentation to Land Use and Housing Committee is the most recent example of a public forum. The televised presentation on City TV made the information more accessible to many people.

08-71: Develop a formal structure whereby policy makers can interface with academia in order to develop policies that take into account all available options, technologies, and that are based in fact.

(b)(1) The Recommendation has been implemented.

The Conservation Element of the General Plan includes policies that address coordination with academia. Policy CE-A.3 is to "collaborate with climate science experts."

The most recent version of the Climate Protection Action Plan includes recommendations provided by the City Manager's Ad Hoc Advisory Committee. This committee was established specifically to enhance the then existing Climate Protection Action Plan and was disbanded after providing its input.

The City has initiated and actively participated in a number of roundtable discussions and policy forums with local academic institutions. As previously mentioned, the July 12, 2007 Regional Dialogue on Climate Protection was co-sponsored by San Diego State University and the City of San Diego.

Currently, one of the more successful coordination efforts is led by a nongovernmental entity, and is associated with the "2050 Study". The San Diego Foundation, in association with funding from the Bank of America, has commissioned UCSD to complete a detailed report about the effect of climate change on the San Diego region in 2050. City of San Diego staff are on the review committee.

In summary, the City of San Diego is taking action that is consistent with the recommendations of the County Grand Jury.

Please contact Chris Gonaver, Director, Environmental Services Department at (858) 573-1212 if you have additional questions.

Sincerely,



JERRY SANDERS
Mayor

cc: San Diego County Grand Jury
Chief Operating Officer
San Diego City Council
Deputy Chief, Community Services
Environmental Services Department Director
City Clerk
Administration Department Director

RESOLUTION NUMBER R- 304075

DATE OF FINAL PASSAGE SEP 02 2008

APPROVING THE CITY COUNCIL'S RESPONSE TO THE
2007-2008 SAN DIEGO COUNTY GRAND JURY REPORT
ENTITLED "A WARMER WORLD – A CHALLENGE AND
AN OPPORTUNITY."

WHEREAS, on May 22, 2008 the 2007-2008 San Diego County Grand Jury [Grand Jury] filed a report titled "A Warmer World – A Challenge and an Opportunity" [Report] that requested a response from the Mayor and City Council; and

WHEREAS, under California Penal Code section 933(c), within 90 days after the filing of the report, each public agency which the Grand Jury reviewed, and about which it issued the Report, must comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency; and

WHEREAS, due to the City Council's legislative calendar, the Presiding Judge of the San Diego Superior Court granted a request for an extension of time to submit the City Council's response to the Report to September 12, 2008; and

WHEREAS, the purpose of the Grand Jury Report was to call the attention to the impact of climate change in the San Diego region, review policies and practices in regard to greenhouse gas [GHG] emission reduction, and to suggest ways that local governments can positively affect climate change; and

WHEREAS, the Grand Jury requested that the Mayor and City Council respond to each of the findings and recommendations 08-69, 08-70, and 08-71 in the Report that relate to the City of San Diego; and

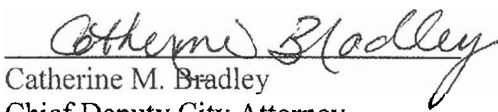
WHEREAS, the Office of the Independent Budget Analyst has proposed a response to the Report as set forth in IBA Report No. 08-87 dated August 19, 2008, for the City Council's consideration; and

WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves and adopts as its own the response to the to the 2007-2008 San Diego County Grand Jury Report filed May 22, 2008, and titled "A Warmer World – A Challenge and an Opportunity," as set forth in IBA Report No. 08-87 dated August 19, 2008, with revisions as appropriate to include the establishment of the 50 Mega Watts Plan generated within the City of San Diego by the year 2013 and the establishment of a Renewable Energy Advisory Board.

BE IT FURTHER RESOLVED, that the Council President is authorized and directed, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than September 12, 2008.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Catherine M. Bradley
Chief Deputy City Attorney

CMB:als
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Or.Dept:IBA
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