

MIKE FEUER
CITY ATTORNEY

REPORT NO. R 1 3 - 0 2 4 8

AUG 27 2013

REPORT RE:

**DRAFT ORDINANCE AMENDING THE LOS ANGELES ADMINISTRATIVE
CODE BY RENAMING THE ENERGY CONSERVATION LOAN PROGRAM FUND AS THE
GREEN RETROFIT PROGRAM FUND
AND EXPANDING THE OBJECTIVES OF THE FUND**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 11-1394

Honorable Members:

On June 26, 2013, the City Council requested that our Office prepare an ordinance amending the Los Angeles Administrative Code (LAAC) to allow the Department of General Services (Department) to administer a Green Retrofit Program Fund.

Pursuant to your request, this Office has prepared and now transmits for your consideration the attached draft ordinance, approved as to form and legality. The draft ordinance would amend LAAC Section 5.532. The draft ordinance renames the Energy Conservation Loan Program Fund as the Green Retrofit Program Fund and expands the objectives and uses of the Fund.

Background and Summary of Ordinance Provisions

Currently, LAAC Section 5.532 provides for an Energy Conservation Loan Program Fund, which receives, retains, and disburses monies borrowed or received from the Department of Water and Power (pursuant to LAAC Section 23.141(e)) for the purchase and installation of energy efficiency measures in City buildings and facilities.

The draft ordinance renames and expands the uses and objectives of the former Energy Conservation Loan Program Fund, and replaces it with the Green Retrofit Program Fund, with the purpose of implementing and expanding the City's Green Retrofit and Workforce Program, emphasizing not only conservation but also environmental sustainability.

CEQA Determination

We recommend that, prior to adoption of this ordinance, you determine that your action is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Sections 15060(c)(2) and (3) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. Moreover, your action merely creates a funding mechanism, or comprises other fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and is therefore not a project as defined in CEQA Guidelines Section 15378(b)(4). In addition, Council may determine that adoption of the ordinance is exempt from CEQA under City CEQA Guidelines Article II, Section 1 (General Exemption) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

If the Council concurs with the above, it may comply with CEQA by making one or all of these determinations prior to or concurrent with its action on the ordinance. It is also recommended that you direct Staff to cause the filing of a Notice of Exemption in accordance with CEQA Guidelines section 15062.

Council Rule 38 Referral

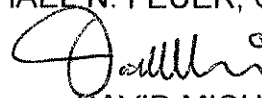
A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of General Services and the Department of Water and Power requesting that they address any comments that they may have directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Juliann Anderson at (213) 978-8124. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON

Chief Assistant City Attorney

PBE:JA:mg
Transmittal

cc: Tony Royster, General Manager and City Purchasing Agent
Richard Brown, Senior Assistant City Attorney

ORDINANCE NO. _____

An ordinance amending Section 5.532 of the Los Angeles Administrative Code regarding creation and administration of a green retrofit program fund.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 5.532 of Chapter 132, Division 5 of the Los Angeles Administrative Code is amended to read as follows:

Sec. 5.532. Green Retrofit Program Fund; Creation and Administration of the Fund.

(a) The fund previously designated as the "Energy Conservation Loan Program Fund" shall hereinafter be known as the "Green Retrofit Program Fund," referred to in this Chapter as the "Fund."

(b) The purpose of the Fund shall be for the receipt, retention and disbursement of grant and other monies and property accepted from persons or entities or otherwise received by the City for the purchase, installation and monitoring of energy and water efficiency and environmentally sustainable measures in City buildings and facilities.

(c) All interest and other earnings, including energy and water rebates and incentives attributable to this program in the Fund shall be credited to the Fund and shall be devoted to the purposes thereof.

(d) The Fund shall be administered by the General Manager of the Department of General Services, or his or her designee, hereinafter referred to in this Chapter as the "General Manager." Expenditures from the Fund shall be authorized by the General Manager consistent with one or more provisions of Los Angeles Administrative Code Section 7.300 *et seq.* (establishing the Green Retrofit and Workforce Program) to fund the cost of purchasing, installing and monitoring energy and water efficiency and environmentally sustainable measures in City buildings and facilities. For the purposes of this Section, expenditures shall include the transfer of expenditures incurred and/or paid by any other Funds administered by the Department of General Services. The General Manager shall report annually by January 31, on energy and other savings that result from completed energy efficiency, water conservation, and environmentally sustainable projects and provide recommendations for new projects to the Mayor and City Council with the intention of continuing and sustaining conservation projects in the City.

(e) All revenues and expenditures of the Green Retrofit Program shall be accounted for in the Fund, including all loans from the Department of Water and Power pursuant to Los Angeles Administrative Code Section 23.141(e). The General Manager

shall report to the City Council regarding and identifying all revenues and expenditures of the Fund, as well as the purposes for which the expenditures were made. Each report shall cover a fiscal year and shall be submitted within 60 days after the close of said fiscal year.

(f) At the close of any fiscal year, surplus money remaining in the fund shall remain in the Fund and shall not revert to the Reserve Fund to ensure the future sustainability of energy efficiency, water conservation, and environmentally sustainable projects.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records. I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 

JULIANN ANDERSON
Deputy City Attorney

Date 8.27.13

File No. 11-1394