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**CARMEN A. TRUTANICH**  
City Attorney

**REPORT NO. R 1 2 - 0 2 7 8**

**AUG 17 2012**

**REPORT RE:**

**DRAFT ORDINANCE RE-ENACTING THE GREEN RETROFIT AND  
WORKFORCE PROGRAM, GREEN RETROFIT DEVELOPMENT  
INTERDEPARTMENTAL TASK FORCE AND GREEN RETROFIT DEVELOPMENT  
ADVISORY COUNCIL**

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. 11-1928

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance would re-enact the Green Retrofit and Workforce Program, Green Retrofit Development Interdepartmental Task Force and Green Retrofit Development Advisory Council previously created by reinstating Article 5 to Chapter 3 of Division 7 of the Los Angeles Administrative Code but extinguished when the ordinance was repealed on its own term on June 30, 2011. The attached draft ordinance is identical to the previous ordinance except the new ordinance does not contain a sunset clause.

Council Rule 38 Referral

A copy of the draft ordinance has been sent, pursuant to Council Rule 38, to the Mayor's Office, asking that any comments be made directly to the City Council when you consider this.

If you have any questions regarding this matter, please contact Deputy City Attorney Christopher Lee at (213) 978-7728. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By   
PEDRO B. ECHEVERRIA  
Chief Assistant City Attorney

PBE:CL:vw  
Transmittal

ORDINANCE NO. \_\_\_\_\_

An ordinance reinstating Article 5 of Chapter 3 of Division 7 of the Los Angeles Administrative Code to establish the Green Retrofit and Workforce Program, including creation of a Green Retrofit Development Interdepartmental Task Force, and a Green Retrofit Development Advisory Council.

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

Section 1. Article 5 of Chapter 3 of Division 7 of the Los Angeles Administrative Code is reinstated and amended to read as follows:

**Sec. 7.300. Purpose.**

The City's Climate Change Action Plan sets a goal of reducing the City's greenhouse gas emissions by 2030 to 35 percent below 1990 levels.

Buildings use two-thirds of the nation's total electricity output and produce 30 to 40 percent of its green house gas emissions.

The United States Green Building Council (USGBC) has established green standards for existing buildings, referred to as "LEED<sup>®</sup>-EB," which offer sustainability elements pertinent to many city facilities that are already constructed and operating, including those facilities in need of repair or renovation. The average LEED<sup>®</sup> certified building uses significantly less electricity than non-green buildings and generates substantially less CO<sub>2</sub>.

The federal government has proposed a massive increase in the amount of federal funding available for infrastructure. It is in the City's interest to have innovative programs to qualify for such funding in the event that it becomes available.

The City has an interest in employing productive workers. Research indicates that workers in LEED<sup>®</sup>-certified or otherwise "green" buildings are healthier and more productive.

There is a critical need for improvements in City buildings.

The proprietary interests of the City will be advanced by the use of project labor agreements, where the legal criteria for their use exist. Project labor agreements minimize the possibilities for labor misunderstandings, grievances, and conflicts, thereby promoting project cost containment, and timely and economical project completion.

Project labor agreements have the capacity to provide additional benefits, including facilitation of efforts to target construction job opportunities to disadvantaged

City residents; prompt generation of tax flow and other income to the City; and more lasting remediation of conditions of poverty and unemployment through the provision of careers in the skilled construction trades.

**Sec. 7.301. Definitions.**

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

A. **“Contractor”** means any person, firm, partnership, owner operator, limited liability company, corporation, joint venture, proprietorship, trust, association, or other entity that enters into a Construction Contract.

B. **“Construction Contract”** means any contract entered into between the City and a Contractor for the performance of construction work related to the Green Retrofit And Workforce Program.

C. **“Floor Area”** means the area in square feet as defined in accordance with Section 12.03 of the Los Angeles Municipal Code.

D. **“Green Building Certification Institute”** is an entity established with the support of the United States Green Building Council to administer credentialing programs related to green building practice and standards.

E. **“LEED®”** means Leadership in Energy and Environmental Design, a rating system put forth by the United States Green Building Council (USGBC) that is the nationally accepted benchmark for the design, construction and operation of high performance green buildings.

F. **“LEED® Accredited Professional™”** or **“LEED® AP”** means a person who has been designated a LEED® Accredited Professional by the Green Building Certification Institute.

G. **“LEED®-EB”** means LEED® standard for existing buildings.

H. **“Local Resident”** means an individual whose primary place of residence at the commencement of a project under the Program on which that individual is seeking employment is within the City and is within the zip code containing at least part of one census tract with a rate of unemployment in excess of 150% of the Los Angeles County unemployment rate, as reported by the State of California Employment Development Department.

I. **“Program”** means the Green Retrofit And Workforce Program established pursuant to the terms of this Article.

**Sec. 7.302. Establishment of the Green Retrofit And Workforce Program.**

A. There is hereby established a program to be known as the Green Retrofit And Workforce Program (the Program) in the Office of the Mayor.

B. Subject to availability of state or federal funds, the Mayor shall appoint a Program Director who shall be responsible for development and implementation of the Program. The Program Director, in consultation with the Green Retrofit Development Interdepartmental Taskforce and the Green Retrofit Development Advisory Council, shall submit to the City Council and the Mayor for approval a Plan to retrofit all city-owned properties over 7,500 square feet or constructed prior to 1978 with the goal of meeting the LEED®-EB silver or higher standards. Each of the following specific elements shall be considered in developing the Plan:

1. water efficient landscaping and irrigation;
2. HVAC systems;
3. mechanical systems;
4. water conservation systems;
5. refrigeration systems;
6. retrofitting lighting and electrical systems;
7. retrofitting all energy consuming elements;
8. improving indoor air quality;
9. sustainable carpet;
10. sustainable maintenance;
11. titanium dioxide (TiO<sub>2</sub>) windows treatments;
12. solar, geothermal and other renewable energy systems; and
13. cool roofs.

C. Priority Facilities. The following factors shall be included in determining the proposed priorities for retrofitting City facilities:

1. Whether the City facilities pose substantial health and safety issues;

2. Whether the City facilities are located in areas with high levels of poverty and unemployment relative to other areas of the City; and

3. Whether the primary function of the City facilities is to provide direct services or facilities for City residents such as recreation centers and libraries.

D. It shall be the goal of the Program during its initial five years that 50 percent of the buildings retrofitted be located in areas with high levels of poverty and unemployment relative to other areas of the City.

E. To the extent feasible and permissible by applicable law, the Program will require that the work performed under Construction Contracts associated with the Program be performed by Local Residents.

**Sec. 7.303. Creation and Administration of the Green Retrofit Development Interdepartmental Task Force.**

A. There is hereby created a Task Force to be known as the Green Retrofit Development Interdepartmental Task Force. The Task Force shall hold public meetings and perform the following tasks in order to provide guidance and assistance to the Program Director:

1. Provide advice and comments for the development and implementation of the Program;

2. Provide advice and comments in the City's efforts to seek and apply for grants and other funding sources for the implementation of the City's Green Retrofit and Workforce Development Program;

3. Develop recommendations and provide advice on project labor agreements, memoranda of understanding, and Local Hire for all work required by the City's Green Retrofitting Program;

4. Provide advice and comments for the Program to promote a pathway to green careers through employment of workers from green training program(s) and apprenticeship program(s);

5. Provide consultation for the Program to promote inner city economic development by supporting small and disadvantaged green businesses; and

6. Report to the Council on a quarterly basis.

B. The General Managers and Directors, or designees, of the following City departments, bureaus and offices shall be members of the Taskforce:

1. General Services Department (GSD);

2. Bureau of Engineering (BOE);
3. Environmental Affairs Department (EAD);
4. Department of Building and Safety (DBS);
5. Personnel Department;
6. Community Development Department (CDD);
7. Workforce Investment Board;
8. Bureau of Contract Administration;
9. Chief Legislative Analyst (CLA);
10. Chief Administrative Officer (CAO);
11. Department of Recreation and Parks; and
12. Planning Department.

C. The General Managers of the City proprietary departments, or their respective designees, shall be invited to participate as members of the Taskforce.

D. The Program Director shall convene and chair the meetings held by the Taskforce.

**Sec. 7.304. Creation of the Green Retrofit Development Advisory Council.**

A. There is hereby created an advisory council to be known as the Green Retrofit Development Advisory Council (Advisory Council). The Advisory Council shall hold meetings open to the public as often as necessary in order to provide guidance and assistance to the Taskforce. Members shall serve two year terms, with four of the nine members appointed to an initial one year term, subject to the approval of the City Council. The members of the Advisory Council will select a Chair and Vice-Chair from among the members annually on the first meeting of each fiscal year, and implement the following goals:

1. Provide advice and guidance for the development and implementation of the Program;
2. Periodically review the Program's budget and advice regarding potential funding sources;

3. Notify the Task Force of grants and other funding sources for the implementation of the Program;

4. Develop recommendations and provide advice on project labor agreements, memoranda of understanding, and Local Hire elements for all work required by the Program;

5. Develop recommendations and provide advice on promoting a pathway to green careers through employment of workers from green training program(s) and apprenticeship program(s); and

6. Provide advice to the Taskforce in promoting inner city economic development by supporting small and disadvantaged green businesses.

B. The Green Retrofit Development Advisory Council shall be comprised of nine members to be appointed as follows:

1. Two Labor representatives of whom one will be appointed by the Mayor and the other by the Council President;

2. One LEED® AP to be appointed by the chairperson of the Energy and Environment Committee;

3. One representative of an environmental organization to be selected by the Mayor;

4. One representative of an environmental justice organization to be selected by the Mayor;

5. One workforce development expert to be appointed by the chairperson of the HCED Committee;

6. One representative of a community organization to be selected by the Mayor;

7. One representative of a philanthropic organization to be selected by the Council President; and

8. One academician in the field of architecture, engineering or energy to be appointed by the Mayor.

**Sec. 7.305. Cooperation with the Taskforce and Advisory Council.**

It is hereby declared to be the policy of the City of Los Angeles that all City offices, departments and bureaus shall cooperate to the fullest extent possible with the Task Force and the Advisory Council; provided that no such office, department or



bureau shall be required to do anything in this connection which would conflict or interfere with the lawful and necessary conduct of its duties and operations as provided by law.

**Sec. 7.306. Consistency with Federal and State Law.**

No provisions of this ordinance shall be applicable to those instances in which its application would violate or be inconsistent with federal or state law or regulation or where the application would violate or be inconsistent with the terms or conditions of a grant or contract with an agency of the United States, the State of California or the instruction of an authorized representative of any such agency with respect to any such grant or contract.

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 \_\_\_\_\_.

JUNE LAGMAY, City Clerk


By \_\_\_\_\_  
Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By   
CHRISTOPHER N. LEE  
Deputy City Attorney

Date 8-17-12

File No. CF 11-1928