



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 6 - 0 3 3 6

OCT 2 7 2016

REPORT RE:

**REVISED DRAFT ORDINANCE ADDING DIVISION 97 TO ARTICLE 1, CHAPTER IX
AND AMENDING DIVISION 4 OF ARTICLE 8, CHAPTER IX OF THE LOS ANGELES
MUNICIPAL CODE TO ESTABLISH AN EXISTING BUILDING ENERGY AND
WATER EFFICIENCY PROGRAM**

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. 14-1478

Honorable Members:

On October 6, 2016, this Office prepared and transmitted for your consideration, approved as to form and legality, a draft ordinance adding Division 97 to Article 1, Chapter IX of the Los Angeles Municipal Code (LAMC) and amending Division 4 of Article 8, Chapter IX to establish the Existing Buildings Energy and Water Efficiency Program. (City Attorney Report No. R16-0323.)

This Office has prepared and now transmits for your consideration the enclosed revised draft ordinance, approved as to form and legality, which includes changes requested by the Department of Building and Safety (DBS). These changes include revising the definition of "Base Building Systems" to exclude systems or subsystems owned by a tenant, or for which the tenant bears full maintenance responsibility, and that are within the tenant's leased space and exclusively serve such leased space, and for which the tenant pays all the energy and water bills according to usage and demand as measured by a meter or sub-meter. In addition, the revised draft ordinance no longer limits to one year each extension of time to comply with a submittal deadline. Finally, the remaining changes are solely stylistic in nature or typographical corrections.

CEQA Determination

The CEQA Determination discussed in Report No. R16-0323 supports your consideration of the enclosed revised draft ordinance.

Fee Notice Requirement

As we noted in Report No. R16-0323, because this ordinance would establish new fees, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of state law require that, before adoption of a new or increased fee, a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of this revised draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Department of Water and Power, and the Housing and Community Investment Department, with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Monica Castillo at (213) 978-8068. 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

DM/MDC/mv
Transmittal