

City of Houston, Texas, Ordinance No. 2020-911

AN ORDINANCE ADDING A NEW DIVISION 2 TO ARTICLE XVI, CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, CREATING THE CITY OF HOUSTON OFFICE OF SUSTAINABILITY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the overwhelming majority of scientists agree that ongoing climate-warming trends are due to modern human activities and that without any action to reduce global greenhouse gas ("GHG") emissions, the City can expect greater severity and occurrences of extreme events like heat waves, droughts, and flooding; and

WHEREAS, the City has experienced increased rainfall from hurricanes and other flood events that have caused extensive damage and destruction in the City; and

WHEREAS, on October 21, 2020 the City of Houston (the "City") passed Resolution No. 2020-41², adopting the City's Climate Action Plan ("CAP") which includes strategies and measures that are evidence-based, practical, cost-effective, and have a high potential to reduce GHG emissions within the City; and

WHEREAS, Section 7a, Article VI of the City Charter vests the Mayor with the authority to exercise administrative control over all City departments and the duty to make such recommendations to City Council as he may deem to be for the welfare of the City; and

WHEREAS, the Administration and Regulatory Affairs Department ("ARA") has been engaged in several initiatives to reduce the City's GHG emissions from the transportation, energy, buildings, and waste sectors, including but not limited to creating the City's CAP; and

WHEREAS, the Administration recommends creating a division in ARA to implement the City's CAP and serve as liaison between the Mayor, City Council, City departments, and other public and private entities on matters pertaining to greenhouse gas mitigation in the greater Houston metropolitan area; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

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1. City Secretary shall insert the date of passage and approval of the Resolution described in this paragraph.
 2. City Secretary shall insert the identifying number of the Resolution described in this paragraph.

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Article XVI, Chapter 2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 2 that reads as follows:

"DIVISION 2. OFFICE OF SUSTAINABILITY

Sec. 2-521. Office of sustainability; created.

There is hereby established an office of sustainability, a division of the administration and regulatory affairs department.

Sec. 2-522 Definitions

As used in this article, the following words, terms and phrases shall have the meanings assigned to them in this section, unless the context of their usage clearly indicates a different meaning:

Climate action plan means and refers to the city's strategic plan to reduce greenhouse gas emissions within the city boundary.

Director means the director of administration and regulatory affairs or the director's designee.

Greenhouse gas means any gas that causes the atmosphere to retain heat and includes gases such as carbon dioxide, methane, nitrous oxide, and fluorinated gases.

Greenhouse gas mitigation means any action that results in a net reduction in greenhouse gases from an activity in relation to the emissions from that activity before the mitigation occurs.

Sec. 2-523. Purpose; climate action plan.

- (a) The office of sustainability shall provide support for greenhouse gas mitigation initiatives and shall serve as liaison among the mayor, city council, city departments, and other public and private entities on matters pertaining to greenhouse gas mitigation. To this end, the city shall establish, adopt, implement, and maintain a climate action plan describing and incorporating the city's goals, strategies, action plans, and policies for the reduction of greenhouse gas.

- (b) The climate action plan shall include, but not be limited to:
- (1) A greenhouse gas emission inventory compliant with the latest national and international standards and completed using the latest available data;
 - (2) Reasonable, practical, and cost-effective measures to reduce or offset community-wide greenhouse gas emissions to zero percent of the 2014 baseline by the year 2050;
 - (3) Updates to the plan which shall take place not later than five years after the adoption of the most recent climate action plan and include quantitative and qualitative analysis of progress toward the goals specified therein; and
 - (4) Implementation and coordination strategies to achieve the objectives of the climate action plan.

Sec. 2-524. Duties of office of sustainability.

The office of sustainability shall perform various duties, including, but not limited to, the following:

- (1) Assist in developing, coordinating and formulating policies and legislation relating to greenhouse gas mitigation, and assist in overseeing the implementation of programs consistent with such policies and legislation;
- (2) Act as a public advocate for community-led greenhouse gas mitigation initiatives;
- (3) Assist in coordination of compliance with all federal, state and city laws concerning greenhouse gas reporting, energy consumption reporting, and climate action plan implementation;
- (4) Assist in analyzing existing city programs for global warming potential, and in developing and promoting additional programs relating to the implementation of the climate action plan;
- (5) Assist in maintaining statistical data regarding the city's municipal and community greenhouse gas emissions;
- (6) Assist and educate individuals and entities in the public and private sectors regarding best practices to reduce greenhouse gas emissions;

- (7) Provide information to assist in planning and prioritizing resources to reduce greenhouse gas emissions resulting from city operations.

Sec. 2-525. Director's authority; duties.

The director shall:

- (1) Oversee the maintenance of the climate action plan;
- (2) Establish an open, inclusive, public process for engaging the diverse ethnic, cultural, and economic communities in the development of the climate action plan, any proposed amendments, and any implementation actions;
- (3) Develop policies and procedures to guide city departments in implementing the climate action plan and other greenhouse gas mitigation activities as needed;
- (4) Lead day-to-day climate action plan implementation across all city departments;
- (5) Implement greenhouse gas mitigation into a strategic function that optimizes the city's strategic and operational climate action plan objectives;
- (6) Make recommendations to the mayor and city council regarding greenhouse gas mitigation and promulgate climate action plan policies in conjunction with department directors; and
- (7) When appropriate, consult with legal counsel when making decisions regarding climate action plan implementation; and
- (8) Report annually to the mayor and city council on progress toward the goals of the climate action plan.

Sec. 2-526. Responsibilities of city departments.

Each department director shall:

- (1) Designate a liaison to periodically report to the department new or updated policies, regulations, and planning activities related to the scope of the climate action plan; and
- (2) Direct the liaison to periodically report to the office of sustainability progress toward the goals of the climate action

plan and statistical data regarding the department's greenhouse gas emissions; and

- (3) Consult and coordinate with the office of sustainability when formulating plans, policies, regulations and public-private partnerships related to greenhouse gas mitigation and climate action plan implementation.

Sec. 2-527. Transfer of duties.

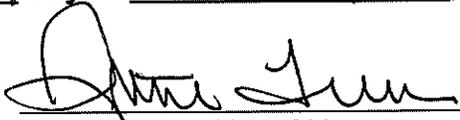
To the extent that a provision of this Code or of any ordinance, executive order, administrative procedure, administrative order, or contract of the city devolves a duty to, or imposes a duty on, a department or division other than the office of sustainability, which duty this division assigns to the office of sustainability, the provision shall be construed to refer to the office of sustainability.”

Section 3. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 21st day of October, 2020.


 Mayor of the City of Houston

Prepared by Legal Dept.: ^{mc} Asashan U. Hamblin
 RVG 9/30/2020 Senior Assistant City Attorney
 Requested by Tina Paez, Director, Administration and Regulatory Affairs Department
 L.D. File No. 0372000018001

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
	✓	TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
	✓	KNOX
✓		ROBINSON
	✓	KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
 REVIEW
 DATE: **OCT 27 2020**