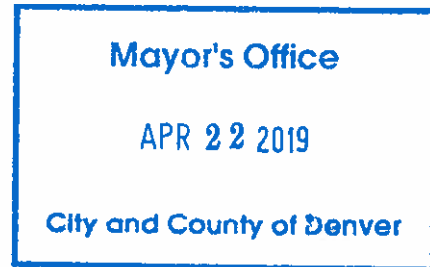


Citizen Initiated Ordinance

Contact: Brandon Rietheimer
717-433-3663
brietheimer@gmail.com
2775 W Iliff Ave
Denver Co 80219

Thomas Riggle
660-349-0645
thomas_riggle@gmail.com
1218 E 23rd Ave
Denver, CO 80205

Ean Thomas Tafoya
720-621-8985
tafoyaet@gmail.com
7505 West Yale #3003
Denver, CO 80227



Office of Climate Action and Resiliency

An initiative establishing an excise tax on electricity and natural gas to create and fund the Office of Climate Action and Resiliency, subject to the approval of the voters at a special municipal election to be conducted in coordination with the state coordinated election on November 5, 2019.

Be it enacted by the City and County of Denver:

Section 1. The D.R.M.C. is amended by the addition of a new Chapter 11.5, to read as follows:

Chapter 11.5 - CLIMATE ACTION AND RESILIENCY

ARTICLE I. - OFFICE OF CLIMATE ACTION AND RESILIENCY

Sec. 11.5-1. - Created.

There is hereby created the Office of Climate Action and Resiliency as a staff agency under the Mayor commencing January 1, 2020. The office shall consist of an Executive Director to be duly appointed by the Mayor and appropriate staff.

Sec. 11.5-2. - Mission.

The Office of Climate Action and Resiliency's mission is to ensure urgent and proactive climate mitigation efforts while preparing for the effects of climate change and protecting vulnerable populations. The Office will ensure that Denver meets or exceeds all science-based targets for greenhouse gas emissions reductions following the recommendations of the International Panel on Climate Change (IPCC).

Sec. 11.5-3. - Powers and Duties.

The powers and duties of the Office are:

- (a) Implement new ordinances and pass rules.
- (b) Adopt and enforce greenhouse gas emissions standards that may be more stringent than state or federal emissions standards.
- (c) Oversee and administer the Energy Efficiency in Commercial and Multifamily Buildings ordinance and associated penalties.
- (d) Promulgate rules for the Energy Efficiency in Commercial and Multifamily Buildings ordinance.

(e) Assist in developing a local skilled workforce to implement energy efficiency, electrification, smart building, renewable power, and other low carbon or zero carbon solutions as required. This workforce shall prioritize job skills and transition training, apprenticeships, and other opportunities to engage, recruit, and retain economically disadvantaged and traditionally underemployed workers, including people of color, women, persons with disabilities, and the chronically underemployed.

(f) Oversee and administer all the aspects of the Green Buildings ordinance and associated penalties that currently reside with the Denver Department of Public Health and Environment.

(g) Promulgate rules for the Green Buildings ordinance.

(h) Develop and conduct programs to be used by the Denver community to address climate mitigation and adaptation needs.

(i) Develop and conduct programs for city agencies and employees that will improve their understanding of climate change, the operational and financial impacts to the City and the opportunities to improve environmental, social, and economic outcomes by implementing climate change solutions.

(j) Work in conjunction with the Race and Social Justice Initiative to ensure all programs and initiatives developed by the Department are equitable and give preference to low income communities.

(k) The Executive Director of the agency shall serve as the City's Chief Climate Action and Resiliency Officer and all agency functions shall be integrated with the functions specified for the Office of Sustainability under Executive Order 123.

(l) The agency shall initially include all Climate Action Team staff currently residing in the Environmental Quality Division of the Denver Department of Public Health and Environment, all Office of Sustainability staff, and all associated contracts and grants.

Sec. 11.5-4. - Permitted Uses of Climate Action and Resiliency Fund.

(a) All monies derived from the electricity and natural gas excise taxes in the Climate Action and Resiliency Fund must be expended solely on the following, while also engaging and valuing the community voice to fully understand the impacts of changes made on every Denver community, paying special attention to low income and vulnerable communities:

(1) Expanding the current Colorado Low Income Energy Assistance (LEAP) program to provide assistance to twice the number of eligible participants in Denver.

(2) Workforce Development, implemented with an equity lens, to build comprehensive plans for programs that prioritize job skills, transition training, apprenticeships and other opportunities that engage, recruit, and retain economically disadvantaged and traditionally underemployed workers, including people of color, women, persons with disabilities, and the chronically underemployed. Priority will be given to programs that both reduce greenhouse gases and promote economic, social, and environmental benefits.

(3) Residential climate action efforts, including but not limited to planning, programs, and incentives to increase adoption of energy and water efficiency, electrification of space and water heating, installation of solar panels and battery storage, and elimination of greenhouse gas emissions from homes and multifamily buildings.

(4) Commercial and industrial climate action efforts, including but not limited to planning, programs, and incentives to increase energy and water efficiency, electrification, installation of solar panels and battery storage and elimination of greenhouse gas emissions from buildings and manufacturing processes.

(5) Transportation greenhouse gas emissions n elimination efforts, including but not limited to planning, programs, and incentives for electric vehicles, charging infrastructure, reduction in total vehicle miles traveled, and mode shift education and outreach.

(6) Adaptation, resiliency, and greenhouse gas emissions elimination efforts that help Denver prepare for and respond to a changing climate.

(b) All funds shall be spent towards the above uses through the following means:

(1) Grants. The grant program shall be designed to maximize greenhouse gas emissions reductions while ensuring that everyone, especially low-income households and people of color are prioritized in the transition to clean energy.

(2) Rebates and market incentives. Develop rebate and market incentive programs to accelerate adoption of renewable energy, energy efficiency, water efficiency, and transportation projects to maximize greenhouse gas emissions reductions.

(3) Workforce development. Programs to train, transition, and create a local workforce through, but not limited to, apprenticeships, scholarships, and other educational incentives.

(4) Staffing. Staff responsibilities would include the following, but not be limited to:

(A) Reducing greenhouse gas emissions from buildings and the transportation, commercial, and industrial sectors.

(B) Planning for equity in all climate programs and policies.

(C) Greenhouse gas accounting, data analytics and program evaluation.

(D) Renewable energy and storage, including utility and regulatory work.

(E) Policy and planning, including updating goals based on new scientifically informed targets.

(F) Hiring and overseeing of contracts and contractors.

(G) Administration and finance, including:

(1) Communication, outreach and education.

(2) Agency operations. Agency needs including professional services, travel and training, equipment, and financial services.

(c) Fund earnings. Any interest earned on the balance of the fund accrues to the fund.

(d) Permanency. If the monies in the fund are not expended at the end of the fiscal year, such monies must remain in the fund to be expended in subsequent fiscal years.

(e) Rulemaking. The Executive Director may promulgate any rules necessary for the proper administration of this section.

(f) Reporting. A report of fund expenditures must be submitted publicly and annually to the Mayor, City Council, City Auditor, and the Climate Action and Resiliency board.

Sec. 11.5-4. - Advisory Boards - Created.

(a) The Climate Action and Resiliency Science Advisory Board is hereby created.

(b) The Climate Action and Resiliency Community Steering Board is hereby created.

Sec. 11.5-5. - Advisory boards – Nominating Committee and Appointments.

(a) Members of each board created in Sec. 11.5-4 shall be appointed by a three (3) person nominating committee.

(b) The nominating committee shall be appointed as follows and in this order:

(1) The Mayor shall appoint one (1) member;

(2) City Council shall appoint one (1) member; and

(3) One (1) member shall be appointed jointly by the Mayor and City Council.

(c) In appointing members to the nominating committee, the Mayor and the City Council shall make equity a priority.

Sec. 11.5-6. - Advisory Boards – Duties and Terms.

(a) The Science Advisory Board will advise the Executive Director on goals and strategies for greenhouse gas emissions.

(1) The Science Advisory Board shall consist of nine (9) members and be comprised of atmospheric and climate scientists, as well as energy, built environment or transportation academics. Members should be assistant, associate or full professors at accredited universities or researchers at federal government research institutions.

(b) The Community Steering Board will oversee the grant funds and rebate programs and have voting authority for how the grants, rebates, and workforce funds are distributed.

(1) The community steering board will be comprised of fifteen (15) members, to be comprised of experts and community leaders from academia, nonprofit, and other groups. The community steering board shall consist of city leaders drawn from diverse sectors, whose input and support are critical to combating climate change and ensuring marginalized, vulnerable, and low-income populations are not adversely affected.

(2) The Community Steering Board will be made up of diverse and representative individuals that reflect the demographic and socioeconomic makeup of Denver including youth leaders.

(c) The members shall serve without compensation, except that advisory board members may be reimbursed for expenses incurred in connection with the work of the advisory board in accordance with the Code, executive orders, fiscal rules, and city policies and as approved by the executive director.

(d) Each appointment will be made alternately first by the City Council appointee, then by the Mayoral appointee, then by the joint appointee in succession until all appointees are selected.

(e) The terms of the advisory board members shall be three (3) years.

(f) The terms shall be staggered so that one-third of the members are appointed each year. In the event of the death or resignation of any member, a successor shall be appointed in the manner provided for original appointment, to serve for the unexpired portion of the term for which such member has been appointed.

(g) Each Advisory Board shall nominate a member to serve as chairperson who upon acceptance of the nomination, confirmation by the Executive Director, and subject to the Charter, Article II of this chapter, and the Advisory Board's bylaws, shall serve as chair for a period of one (1) year. No Advisory Board member elected chairperson may serve more than two (2) consecutive terms as chairperson. The executive director has the right to remove the chairperson from this position for cause.

Sec. 11.5-6. - Advisory board—Powers.

In addition to the duties prescribed in Section (6) of this Chapter, the Advisory Boards shall:

(a) Advise the executive director on special or emerging issues or opportunities that may affect constituent groups.

(b) Provide input to the Executive Director regarding annual agency goals, priorities, and objectives.

(c) Create sub-committees, as needed, to research an emerging issue or situation for a time period determined by the advisory board and recommend necessary procedures, programs, legislation, or administrative action in a final report submitted to the executive director.

(d) The Advisory Board shall meet at least six (6) times a year and may hold special meetings as the chairperson deems necessary.

(e) Develop and adopt bylaws concerning governance and operation of the board. All bylaws, including amendments thereto, are subject to the executive director's approval.

Section 2. Chapter 53 of the D.R.M.C. is amended by the addition of a new article IX, to read as follows:

ARTICLE IX. - CLIMATE RESILIENCY EXCISE TAX

Sec. 53-431. - Name of tax.

This article shall be known and cited as the Climate Action and Resiliency Excise Tax article.

Sec. 53-432. - Commencement of tax.

This tax shall commence January 1, 2020.

Sec. 53-433. - Purpose of tax.

The purpose of the levy of the tax imposed by this article is for the raising of funds for the payment of the expenses of creating and operating the Office of Climate Action and Resiliency as specified in chapter 11.5 of the Code; in accordance with this purpose, the proceeds of the tax shall be placed in the climate resiliency fund plan, section 20-18 of the Code, from which shall be allocated, apportioned and transferred as therein provided such sums to the respective funds and accounts as are indicated and for the purposes that may be therein stated.

Sec. 53-434. - Imposition of the tax.

(a) **Electricity Tax.** The tax shall be imposed upon the basis of each customer's consumption of electricity measured in Kilowatt/Hours (kWh), at a set rate of \$0.005 per kWh for all customers receiving electricity from a public utility.

(b) **Natural Gas Tax.** The tax shall be imposed upon the basis of each customer's consumption of natural gas measured in Thermal Units (Therms), at a set rate of \$0.04 per Therm for all customers receiving natural gas from a public utility until January 1, 2025, after which the tax will increase 10% annually.

(c) The city shall coordinate billing directly with any regulated or unregulated utilities providing electricity and/or natural gas to residential, commercial, and industrial customers within Denver.

Sec. 53-435. - Exemptions.

(a) There shall be exempt from this article the following:

(1) Anyone enrolled in a 100% renewable electricity program offered by Xcel Energy such as Wind Source, Renewable Connect, and Solar Rewards or equivalent programs will not be subject to the excise tax on electricity.

(2) All sales to the United States Government; to the State of Colorado, its departments or institutions, and the political subdivisions thereof, in their governmental capacities only; and all sales to the city and any department thereof;

(3) All sales to charitable organizations that are:

(A) Billed directly to the charitable organization;

(B) Paid directly from funds of the charitable organization; and

(C) Used exclusively for the charitable organization's organizational or operational purposes.

Sec. 53-436. - Fund.

All monies derived by the climate action and resiliency tax shall be placed in the Climate Action and Resiliency Fund to be created by the department of finance.

Section 3. If any section, paragraph, clause, or other portion of this ordinance is held to be invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall not be affected.