

CHAPTER 19A. ENERGY COMMISSION

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19A.01. Statement of Legislative Purpose and Intent. Subdivision 1. The City of Rochester views the creation of a sustainable Rochester energy future as part of broad regional strategy for prosperity. Rochester is facing, and will continue to face, the following challenges in creating a sustainable energy future: limited energy supplies, unpredictable energy costs, non-local energy sources, and awareness of the link between fossil fuels and greenhouse gas (GHG).

Subd. 2. Scientific consensus has developed that greenhouse gases (GHG) released into the atmosphere of which energy produced by the burning of fossil fuels accounts for more than 80% of U.S. production, affects the Earth's climate, increasing the risk to people from increased extreme weather events, changing rainfall and crop productivity patterns, and migration of infectious diseases.

Subd. 3. In 2007, Minnesota enacted legislation that commits the state to a 15% reduction in GHG emissions by 2015, a 30% reduction by 2025 and an 80% reduction by 2050. To assist the Legislature and Governor in developing recommendations to meet these goals, a 55 member advisory group called the Minnesota Climate Change Advisory Group (MCCAG) was created. The MCCAG was composed of elected officials, business leaders, environmental professionals and others.

Subd. 4. MCCAG received technical support from the Center for Climate Strategies, a national firm that has managed similar planning efforts in other states. The Center quantified each recommendation to assess the impact of each policy option on climate change. The MCCAG was organized into six technical working groups (TWG) that included:

- A. Energy Supply (power plants).
- B. Residential, Commercial, Industrial (buildings).
- C. Transportation and Land Use.
- D. Agriculture, Forestry, and Waste Management
- E. Cross Cutting Issues (non-quantitative policies such as initiating a GHG registry).
- F. Cap-and-Trade (creating a carbon trading mechanism).

Subd. 5. The final Minnesota Greenhouse Gas Inventory and Reference Case Projections 1990-2025, completed March 2008, by the Center for Climate Strategies (CCS) ("Report"), was prepared for the Minnesota Climate Change Advisory Group (MCCAG) of the Office of the Governor of Minnesota. The inventory and forecast estimates served as a starting point to assist the MCCAG and Technical Work Groups (TWGs) with an initial comprehensive understanding of Minnesota's current and possible future greenhouse gas (GHG) emissions, and thereby inform the identification and analysis of policy options for mitigating GHG emissions. The final Report addresses and reflects comments provided and

approved by the MCCAG, and the forecast extends to the year 2025 to comport with Minnesota Next Generation Energy Act of 2007.

Subd. 6. The Office of the State Auditor, July 2008, issued *Best Practices Review: Reducing Energy Costs in Local Government*, highlighting some local government's energy initiatives and best practices regarding energy to save money and/or provide more effective service delivery.

Subd. 7. The City of Rochester is a signatory to the 2005 US Mayors Climate Protection Agreement (MCPA), which has been endorsed by the US Conference of Mayors, and signed by more than 900 US Mayors and 40 Minnesota cities as of February, 2009. Under the agreement, cities commit to the following: (1) urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing greenhouse gas emission levels to 7 percent below 1990 levels by 2012; (2) promote land use and transportation policies that reduce greenhouse gas emissions; (3) increase the use of clean, renewable energy and make energy efficiency a priority; (4) adopt purchasing and building construction and operation practices that reduce greenhouse gas emissions; (5) increase recycling rates and urban forest cover; and (6) support education efforts about how to take actions to reduce greenhouse gas emissions.

Subd. 8. The integration of existing City policy, practice, and investment supporting sustainable energy practices will benefit the Rochester community. Current policies include:

A. Land Use Plan policies addressing:

- (1) energy, conservation through compact development supporting alternative transportation modes;
- (2) preservation of environmentally sensitive areas;
- (3) protecting and restoring air quality; and
- (4) resource conservation, including land, habitat and energy resources;

B. Long Range Transportation Policies addressing energy conservation through:

- (1) shifting to alternative fuels and more fuel-efficient travel modes;
- (2) encouraging compact, mixed use, transit-friendly development; and
- (3) encouraging complete street design;

C. Public Works practices addressing:

- (1) Promotion and investment in Public Transit Park and Ride facilities;
- (2) Reuse of Water Reclamation Plant produced biosolids by area farmers;
- (3) Requirement of Stormwater Best Management Practices that encourage the reduction in post development runoff rates and

- volumes through filtration, infiltration and groundwater recharge;
- (4) Support of Olmsted County's Solid Waste Policy and location of Waste to Energy Facility within the City limits;
 - (5) Implementation of Inflow and Infiltration Policies to reduce the capacity and operational impacts and costs on the public sewer collection and wastewater treatment system;
 - (6) Construction of sustainable, durable, long lasting public buildings and infrastructure that increases life cycles, conserves energy, reduces long-term operating costs, and minimizes construction materials waste.
 - (7) Incorporation of "smart technologies" in transportation infrastructure that increases public safety and reduces pollution due to congestion;
 - (8) Use of alternative fuels in city vehicles; and,
 - (9) Implementation of Travel Demand Management (TDM) Policies and the creation of a Transportation Management Organization (TMO) for use by Central Business District employers and employees that reduces the number of single occupant vehicles commuting into and parking downtown; and,

D. Other policies of Rochester and other area governments addressing the energy conservation and health value of promoting compact development, encouraging transit use, and promoting the use of bicycles and pedestrian facilities.

Subd. 9. Rochester, Olmsted and Minnesota voters, in approving the Clean Water, Land and Legacy constitutional amendment in November 2008, to supplement traditional sources of funding to sustain resources, demonstrated strong support for sustainable resource practices.

Subd. 10. There are in existence tested local, state, national and international models and initiatives supporting sustainable energy policy and practices.

Subd. 11. There are numerous resources for best practices and replicable implementation models, including the International Council of Local Environmental Initiatives (ICLEI), also called Local Governments for Sustainability, a membership association of local governments and governmental organizations worldwide; the International Organization for Standardization (ISO 14001), a non-governmental organization that forms a bridge between the public and private sectors, in this case for environmental management systems; and the Minnesota Sustainable Communities Network (MnSCN), a network, consisting of over 2,500 individuals and organizations in Minnesota and bordering areas, who are interested in moving toward sustainability . These resources support local sustainable development and locally designed initiatives as an effective and cost efficient way to achieve local, national and global sustainability objectives.

Subd. 12. The City of Rochester Common Council intends for the City to take a

leadership role in increasing energy efficiency and emissions from municipal operations, and commits to reduce energy usage and emissions throughout the community.

Subd. 13. The formation of an Energy Commission (EC) can assist the City in addressing the concerns our city is facing, and will continue to face, in creating a sustainable energy future by saving resources, developing greater energy independence, supporting and building the local economy, improving air quality and public health, and improving community livability.

Subd. 14. Cities and counties control the day-to-day activities that determine the amount of energy used and the waste generated by their community; from land use and zoning decisions to control over building codes, licenses, infrastructure investments, municipal service delivery and management of schools, parks and recreation. A range of actions can be incorporated into these operations to reduce associated energy, usage and emissions.

19A.02. Rochester Energy Commission. Subdivision 1. There is hereby established a City of Rochester Energy Commission. The Commission shall consist of nine members. The Mayor shall appoint, with the Common Council's advice and consent, all members of the Commission who shall serve without compensation. A minimum of two members of the Commission shall be current members of the Common Council.

Subd. 2. Except for the initial appointment of six of the Commission members (who shall serve either one or two year terms of office), the term of office for each Commission member shall be three years. Each Commission member shall serve the appointed term until a successor is appointed and qualified. The term of office for each Commission member shall be staggered in such a manner that three of the members will be appointed to the Commission in any given year.

Subd. 3. Should a vacancy occur, the Mayor shall appoint, with the Council's advice and consent, a person to fill the unexpired term of the appointment.

Subd. 4. Before entering upon the duties as a member of the Commission, each Commission member must take and subscribe an oath of office as prescribed by the Home Rule Charter.

Subd.5 The Mayor, with the advice and consent of the Council, may remove any Commission member whenever the Mayor determines the City's best interests are served by the removal.

Subd. 6. The Commission shall adopt a set of rules to govern its meetings and procedures. The rules must be consistent with the Charter and the Code. The rules may be amended from time to time, but only upon notice to all members that proposed amendments will be acted upon at a specified meeting.

Subd. 7. Each Commission member, including the chair and vice-chair, will have one vote on all matters acted upon by the Commission.

19A.03. Rochester Energy Commission; Objectives, Powers and Duties.

Subdivision 1. The Commission shall take a leadership role in the creation of a sustainable energy future. To that end, the Commission shall, with the assistance of City Department staff made available by direction of the City Council or of consultants budgeted for by the Council, have the following objectives:

- A. Creation of a baseline inventory of energy use and greenhouse gas (GHG) emissions.
- B. Recommendation of a target to lower energy use and GHG emissions.
- C. Development of a local Energy Action Plan to implement actions that reduce energy use and GHG emissions to targeted levels. The targeted levels and the Energy Action Plan shall be considered elements of the City's Comprehensive Plan following the customary process of public hearings and adoption by the City Council.
- D. Implementation of the local Energy Action Plan.
- E. Measurement, verification and reporting of performance.

Subd 2. To achieve its objectives, the Commission shall have the following powers and duties:

- A. Hold public hearings and meetings to seek input from community members on issues within their purview.
- B. Apply for and manage grants, other funding, and service hours from public and private sources with the approval of the Council.
- C. Research and adopt position documents on issues affecting energy usage and sustainability.
- D. Recommend and seek effective collaborative partnerships, with the approval of the Council, with Rochester and Olmsted County anchor institutions, both public and private, to create a sustainable energy future in Rochester and Olmsted County.
- E. Recommend strategies for management and operation of public facilities to improve their energy usage and sustainability, and to serve as demonstration sites for other facilities.
- F. Recommend strategies for neighborhoods and individual homeowners to improve their energy usage and sustainability.

- G. Coordinate with local energy providers to minimize energy usage, improve sustainability, and give consumers information on real time usage and costs of energy.
- H. Prepare a five year plan to position Rochester as a sustainable community with economic development opportunities for business and industry.
- I. Coordinate with area agricultural groups to promote sustainable farming and local foods.

Subd. 3. By providing these objectives to the Commission, the Common Council adopts them as its own.

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