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Work Session:

Title: "GREENER" ON THE OTHER SIDE

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Presenter's Office: MIAMI, FLORIDA

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"GREENER" ON THE OTHER SIDE:

Using Legislation to Promote Environmental Responsibility

by
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Today, governments at all levels—federal, state, county and municipal—are seeking to incorporate environmental considerations into the day to day activities of their most fundamental of operations. With a combined purchasing power of more than half a trillion dollars annually at all levels, governments have the greatest potential to help society achieve sustainable consumption.

To effectively exploit this opportunity, cities, including the City of Miami, have placed the goal of environmental efficiency at the forefront of its political agenda.

Over the past four years, Miami has been addressing important environmental issues including the implementation of the adopt-a-waterway program, citywide recycling, the Litter Busters program, environmental remediation, and tree canopy restoration following the onslaught of hurricanes over the past two years. In addressing the environmental needs of today and for the years to come, this approach to environmentalism has become more strategic, aggressive, and inclusive of local, state, and federal partners and resources.

In 2005, Mayor Manuel Diaz of Miami signed a letter committing Miami to the Kyoto Accord which pledged to reduce carbon dioxide per the guidelines of the Kyoto Protocol. The United Nations brought countries together to ratify this protocol and to commit to reducing emissions of greenhouse gasses, or to engage in emissions trading programs. Mayor Diaz's commitment to join other mayors throughout the country in signing the Kyoto Accord was a bold statement that brought the issue of environmental policy to the forefront of Miami and of South Florida's priorities.

No actions, however, have been more successful in cementing an environmental policy than the passage of city ordinances and resolutions intended to direct its intra-governmental operations so as to encourage, promote and reward local industries and private sector businesses that follow the City's lead in "green" self-governance.

Municipal Authority to Regulate Environmental Policy

Generally, municipalities have traditionally been permitted to regulate environmental policy for the purposes of promoting the public health, safety and welfare[1] and, as a result, have been free to regulate changes in social and commercial practices found to cause substantial local

environmental degradation.[2] The scope of municipal power to regulate in the interests of environmental protection extends as far as a city's land use and zoning regulations,[3] permit and licensing requirements,[4] use of eminent domain[5] and, most importantly, employment of its police power.[6]

Municipal Authority to regulate, manage and dictate environmental policy ranges from the general to the specific. For example, while F.S. §369.255 specifically empowers city governments to charge a green utility fee and to create green space management programs to plan, fund and restore greenways, forests and wetlands, more general statutory provisions are equally applicable in establishing municipal authority to set environmental guidelines.

The Home Rule and police powers vested in Florida, through FS §166.02, for example, provide in part that "municipalities shall have the governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal services, except when expressly prohibited by law."

Quite simply, in the absence of any law to the contrary, the provision is broad enough to encompass municipal actions and policies undertaken for the purposes of achieving environmental protection goals. When taken together, these powers and provisions may be expansive enough to permit cities to adopt ordinances requiring industries within municipal boundaries to comply with green standards for commercial development including the use of hybrid vehicles and alternative fuels (i.e. bio-fuels).

But more importantly, they are broad enough to permit cities to adopt resolutions and ordinances establishing:

- Departments and oversight boards dedicated to city-wide environmental management.
- Environmental purchasing policies and green procurement programs.
- Greenspace management programs.
- Conservation Programs.

In its effort to establish a long-lasting environmental policy, the City of Miami has used this authority to pass an ordinance establishing Miami's first-ever department dedicated to coordinating environmental programs—the Office of Sustainable Initiatives.

The Office of Sustainable Initiatives

In 2006, the City established the Miami Office of Sustainable Initiatives (MSI)—an arm of the City charged with facilitating action within City operations by directly infusing conservation ideals and "green" practices into the municipal functions of waste and water management, purchasing, urban forestry development, commercial development, and community redevelopment, and transportation.

At the community level, MSI coordinates with local, state and federal partners to increase the availability of resources to implement sustainable programs and policies. At the neighborhood level, MSI conducts intensive education and outreach to foster a sense of responsibility in residents, employees, and businesses to reduce negative environmental impacts.

Through the initiatives undertaken by this department, the City successfully passed 15 resolutions geared toward environmental protection and promotion which closely mirror federal objectives established by Executive Orders 13101,[7] 13149,[8] 13148,[9] 13221[10] and 13123,[11] among them:

Green Fleet Program

A resolution to convert 1,000 city vehicles to hybrid or other alternative fuels by the year 2012, to assure that the City is purchasing, leasing, or obtaining the most energy efficient vehicles and vessels possible, and to manage the vehicles in a way that minimizes emissions.

Expedited Permitting

A program that expedites review and approval of building permits and applications for developers constructing Green Buildings.

Green Purchasing

A resolution directing the City Manager to develop an ordinance establishing a green procurement program to integrate recycled and environmentally preferable goods into all City purchases and services, and to encourage vendors to make such goods and services available in the marketplace.

Tree Master Plan

Comprehensive creation of minimum standards for enhancing, restoring and stabilizing the City's tree canopy cover by a minimum of 30 percent by the year 2020.

Miami Green Commission

A Commission comprised of local experts and community representatives charged with molding the City's environmental policy on Green Buildings and Urban Forestry.[12]

LEED by Example

Standards adopted by the U.S. Green Building Council have become the model for city green building guidelines

Hybrids and Alternative Fuels

In 2005, the City leased its first hybrid vehicles and recently passed an ordinance to purchase several others.

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[1] *Pasco County v. Tampa Farm Service, Inc*., 573 So. 2d 909, 912 (Fla. 2d DCA 1990).

[2] *Id. See also Carter v. Town of Palm Beach*, 273 So. 2d 130 (Fla. 1970) and *City of Miami Beach v. Texas Co*., 194 So. 368 (1940).

[3] *See generally* 8 McQuillin Mun. Corp. §§ 25.21, 25.21.50 (3rd ed). Environmental protection and conservation are legitimate purposes for zoning. Local governments are permitted, for example, to restrict development to preserve open, green spaces and have traditionally been empowered to restrict development in wetland areas and on waterfronts.

[4] *See generally* 8 McQuillin Mun. Corp. § 26.204 (3rd ed).

[5] *See generally* 11 McQuillin Mun. Corp. § 32.48.05 (3rd ed). "Municipalities are authorized to condemn land for the purpose of solid and hazardous waste management."

[6] 7A McQuillin Mun. Corp. § 24.493, (3rd ed). Municipalities have the police power, and sometimes they have specific power under charter or statute, to adopt, for example, reasonable regulations with respect to the release of large quantities of smoke, gas and chemicals into the atmosphere, to protect the public health, safety and welfare.

[7] Requires Federal agencies to incorporate waste prevention and recycling into daily operations and to increase the use of recovered materials by instituting procurement preferences for recyclable products.

[8] Requires Federal agencies to reduce petroleum consumption by creating green fleets, using alternative fuel vehicles and improving fuel efficiency.

[9] Requires Federal agencies to establish environmental management systems and programs.

[10] Requires Federal agencies to purchase products using no more than one watt in standby mode.

[11] Requires Federal agencies to reduce greenhouse gas emissions and energy use caused by facility operations; to expand renewable energy use; and to reduce water consumption in governmental facilities.

[12] The Miami Green Commission meets quarterly and has been tasked to assess the proportion of canopy cover to impervious surfaces (buildings and concrete) and to develop and manage tree-planting initiatives based on that assessment.

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NATURAL RESOURCES; CONSERVATION, RECLAMATION, CONSERVATION AND USE

369.255 Green utility ordinances for funding greenspace management and exotic plant control.--

(1) LEGISLATIVE FINDING.--The Legislature finds that the proper management of greenspace areas, including, without limitation, the urban forest, greenways, private and public forest preserves, wetlands, and aquatic zones, is essential to the state's environment and economy and to the health and safety of its residents and visitors. The Legislature also finds that the limitation and control of nonindigenous plants and tree replacement and maintenance are vital to achieving the natural systems and recreational lands goals and policies of the state pursuant to s. 187.201(9), the State Comprehensive Plan. It is the intent of this section to enable local governments to establish a mechanism to provide dedicated funding for the aforementioned activities, when deemed necessary by a county or municipality.

(2) In addition to any other funding mechanisms legally available to counties and municipalities to control invasive, nonindigenous aquatic or upland plants and manage urban forest resources, a county or municipality may create one or more green utilities or adopt fees sufficient to plan, restore, and manage urban forest resources, greenways, forest preserves, wetlands, and other aquatic zones and create a stewardship grant program for private natural areas. Counties or municipalities may create, alone or in cooperation with other counties or municipalities pursuant to the Florida Interlocal Cooperation Act, s. 163.01, one or more greenspace management districts to fund the planning, management, operation, and administration of a greenspace management program. The fees shall be collected on a voluntary basis as set forth by the county or municipality and calculated to generate sufficient funds to plan, manage, operate, and administer a greenspace management program. Private natural areas assessed according to s. 193.501 would qualify for stewardship grants.

(3) This section shall only apply to counties with a population of 500,000 or more and municipalities with a population of 200,000 or more.

(4) Nothing in this section shall authorize counties or municipalities to require any nongovernmental entity to collect the fee described in subsection (2) on their behalf.

History.--s. 12, ch. 97-164; s. 10, ch. 2001-275; s. 33, ch. 2004-5.

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO DEVELOP AN ORDINANCE FOR **ESTABLISHING A MIAMI GREEN FLEET PROGRAM** ASSURING THAT THE CITY IS PURCHASING, LEASING, OR OTHERWISE OBTAINING THE MOST ENERGY EFFICIENT VEHICLES AND VESSELS POSSIBLE THAT MEET THE OPERATIONAL NEEDS OF THE DEPARTMENT OR AGENCY FOR WHICH THE VEHICLES OR VESSELS ARE INTENDED; AND THAT THE FLEETS WILL BE MANAGED AND OPERATED IN A MANNER THAT IS ENERGY EFFICIENT AND MINIMIZE EMISSIONS.

WHEREAS, during the past five (5) years, the City of Miami has launched a comprehensive and aggressive environmental program to clean our streets, our waterways, brown fields, storm drains, and improve our air and water quality, thus reversing decades of environmental neglect; and

WHEREAS, in furtherance of this environmental program, Mayor Manuel A. Diaz ("Mayor") was one of the first United States Mayors to sign the Mayor's Climate Protection Agreement (the "Agreement") committing cities to take actions to reduce global warming pollution by striving to meet or exceed Kyoto Protocol targets; and

WHEREAS, the Mayor's commitment to join other mayors throughout the country (today 400 Mayors representing over 58 million people have signed the Agreement) brought the issue of environmental policy to the forefront of South Florida priorities; and

WHEREAS, during the Mayor's 2006 State of the City Address, core steps for environmental policy were etched out, increasing the level of focus on innovation, and developing a strong foundation for environmentalism; and

WHEREAS, one of those steps was to convert one thousand (1,000) city vehicles to hybrid or other alternative fuels by the year 2012; and

WHEREAS, the City of Miami recognizes that energy use associated with the operation of its own motor vehicle and vessel fleets exacerbates local air quality problems and results in greenhouse gas emissions that contribute to global climate change; and

WHEREAS, the City recognizes that its departments have a significant role to play in improving local air quality and reducing greenhouse gas emissions from fleet operations; and

WHEREAS, City recognizes that by improving the energy efficiency of its fleets significant monetary savings will result in the long term; and

WHEREAS, the City wishes to exercise its power as a participant in the marketplace to ensure that purchases and expenditures of public monies are made in a manner consistent with the policy improving local air quality and reducing greenhouse gas emissions; and

WHEREAS, the City of Miami wishes to establish a Green Fleet policy addressing the management, operation, and procurement of fleet vehicles and vessels under the control of the City of Miami in order to improve the energy efficiency of its fleets and reduce emission from its fleets.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI FLORIDA:

Section 1. The City Manager will direct City Staff to develop a Miami Green Fleet Program and report to the City Commission within 60 days of the adoption of this resolution.

Section 2. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{1}

Footnotes:

(1) If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION DIRECTING THE CITY MANAGER TO DEVELOP AN ORDINANCE FOR **ESTABLISHING A MIAMI GREEN PROCUREMENT PROGRAM** TO INTEGRATE ENVIRONMENTALLY PREFERABLE POLICIES INTO ALL CITY PURCHASES OF GOODS AND SERVICES; SAID ORDINANCE WILL BE DEVELOPED BY CITY STAFF WITHIN 60 DAYS.

WHEREAS, during the past five (5) years, the City of Miami has launched a comprehensive and ambitious environmental program to clean our streets, our waterways, brown fields, storm drains, and improve our air and water quality, thus reversing decades of environmental neglect; and

WHEREAS, in furtherance of this environmental program, Mayor Manuel A. Diaz ("Mayor") was one of the first United States Mayors to sign the Mayors Climate Protection Agreement (the "Agreement") committing cities to take actions to reduce global warming pollution by striving to meet or exceed Kyoto Protocol targets; and

WHEREAS, the Mayor's commitment to join other mayors throughout the country (today 400 Mayors representing over 58 million people have signed the Agreement) brought the issue of environmental policy to the forefront of South Florida priorities; and

WHEREAS, during the Mayor's 2006 State of the City Address, core steps for environmental policy were etched out, increasing the level of focus on innovation, and developing a strong foundation for environmentalism; and

WHEREAS, one of those steps was to develop a procurement program that favors environmentally preferable goods and services; and

WHEREAS, the City of Miami recognizes the need to support markets for recycled and other environmentally preferable goods and services by affirmatively encouraging city departments, offices, agencies and contractors to buy and use such goods and services whenever practicable and to encourage vendors to make such goods and services available in the marketplace; and

WHEREAS, the City recognizes as a long term objective the need to integrate environmentally preferable policies into all city purchases; and

WHEREAS, the City recognizes that its departments have a significant role to play in creating and encouraging a market for environmentally preferable goods and services through their procurement practices; and

WHEREAS, the City wishes to exercise its power as a participant in the marketplace to ensure that purchases and expenditures of public monies are made in a manner consistent with the policy of encouraging the development and sales of environmentally preferable goods and services; and

WHEREAS, the City of Miami wishes to establish a "Miami Green Procurement" policy addressing the management, operation, and procurement of environmentally preferable goods and services.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI FLORIDA

Section 1. The City Manager will direct City Staff to develop an ordinance for establishing a "Green Procurement" Program.

Section 2. City Staff will provide and introduce said ordinance within 60 days of resolution approval.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{1}

Footnotes:

(1} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted, If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION **ESTABLISHING A NEW SPECIAL REVENUE FUND ENTITLED: "SUSTAINABLE INITIATIVES" AND APPROPRIATING FUNDS**, CONSISTING OF A DONATION FROM ECOMEDIA, IN THE AMOUNT OF $35,500, AND DONATIONS FROM VARIOUS PRIVATE, LOCAL, STATE AND FEDERAL SOURCES, TO SUPPORT SUSTAINABLE INITIATIVES; AUTHORIZING THE CITY OF MIAMI ON BEHALF OF THE MIAMI OFFICE OF SUSTAINABLE INITIATIVES, TO ACCEPT MONETARY DONATIONS TO BE DEPOSITED IN SAID FUND.

WHEREAS, during the past five (5) years the City of Miami ("City") has launched a comprehensive and aggressive environmental program to clean streets, waterways, brownsfields, storm drains, and improve air and water quality, thus reversing decades of environmental neglect; and

WHEREAS, a donation of $35,500, has been given by Ecomedia for various environmental programs; and

WHEREAS, pursuant to Ordinance No. 12910, adopted April 26, 2007, the City Commission approved the creation of the Miami Office of Sustainable Initiatives ("MSI"); and

WHEREAS, the City will aggressively seek contributions for a variety of sustainable initiatives, including but not limited to tree plantings, environmental outreach and education, waterways protection, promotion of alternative energy, etc.; and

WHEREAS, MSI is requesting the City Commission to authorize the City to create a Special Revenue Fund for the collection of monetary donations.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The following new Special Revenue Fund is established and resources are appropriated as described below:

FUND TITLE:	Sustainable Initiatives	
RESOURCES:	Ecomedia	$35,500
	Various private, local, state and federal sources	Unlimited
APPROPRIATION:	Costs associated with the daily Operations of the Office of Sustainable Initiatives	Unlimited

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor. {1}

Footnotes:

{1} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

RESOLUTION

A RESOLUTION OF THE MIAMI CITY COMMISSION **ADOPTING THE US MAYORS CLIMATE PROTECTION AGREEMENT**, UPON ADOPTION TO BE KNOWN AS THE MIAMI CLIMATE PROTECTION AGREEMENT; ESTABLISHING A METHOD BY WHICH THE CITY WILL COMPLY WITH THE GOALS SET FORTH THEREIN.

WHEREAS, during the past five (5) years, the City has launched a comprehensive and aggressive environmental program to clean our streets, our waterways, brown fields, storm drains, and improve our air and water quality, thus reversing decades of environmental neglect; and,

WHEREAS, in furtherance of this environmental program, Mayor Manuel A Diaz ("Mayor") was one of the first United States Mayors to sign the Mayor's Climate Protection Agreement (the "Agreement") committing cities to take actions to reduce global warming pollution by striving to meet or exceed Kyoto Protocol targets; and,

WHEREAS, the Mayor's commitment to join other mayors throughout the country (today 400 Mayors representing over 58 million people have signed the Agreement) brought the issue of environmental policy to the forefront of South Florida priorities; and,

WHEREAS, during the Mayor's 2006 State of the City Address, core steps for environmental policy were identified, increasing the level of focus on innovation, and developing a strong foundation for environmentalism; and,

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), among the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world=s population, is responsible for producing approximately 25 percent of the world=s global warming pollutants; and
WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads: The U.S. Mayors Climate Protection Agreement (A) We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States= dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels; (B) We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes (1) clear timetables and emissions limits and (2) a flexible, market-based system of tradable allowances among emitting industries; and (C) We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as: (1) Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan. (2) Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities; (3) Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit; (4) Increase the use of clean, alternative energy by, for example, investing in Agreen tags@, advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology; (5) Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money; (6) Purchase only Energy Star equipment and appliances for City use; (7) Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system; (8) Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel; (9) Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production; (10) Increase recycling rates in City

operations and in the community; (11) Maintain healthy urban forests; promote tree planting to increase shading and to absorb C02; and (12) Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA.

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. The Miami Climate Protection Agreement is hereby adopted.

Section 3. The City of Miami will work in conjunction with ICLEI Local Governments for Sustainability, the United States Green Building Council, and other appropriate organizations to track progress and implementation of the Miami Climate Protection Agreement.

Section 4. This resolution shall become effective immediately upon adoption and signature of the Mayor (1).

...Footnote

(1) If the mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

RESOLUTION

A RESOLUTION OF THE CITY OF MIAMI DIRECTING THE CITY MANAGER TO **CREATE A PROGRAM FOR EXPEDITED REVIEW AND APPROVAL OF BUILDING PERMIT APPLICATIONS FOR GREEN BUILDINGS**; DEFINING GREEN BUILDINGS; SAID ORDINANCE WILL BE DEVELOPED BY CITY STAFF WITHIN 60 DAYS.

WHEREAS, during the past five (5) years, the City of Miami has launched a comprehensive and aggressive environmental program to clean our streets, our waterways, brown fields, storm drains, and improve our air and water quality, thus reversing decades of environmental neglect; and,

WHEREAS, in furtherance of this environmental program, Mayor Manuel A. Diaz ("Mayor") was one of the first United States Mayors to sign the Mayor's Climate Protection Agreement (the "Agreement") committing cities to take actions to reduce global warming pollution by striving to meet or exceed Kyoto Protocol targets; and,

WHEREAS, the Mayor's commitment to join other mayors throughout the country (today 400 Mayors representing over 58 million people have signed the Agreement) brought the issue of environmental policy to the forefront of South Florida priorities; and,

WHEREAS, during the Mayor's 2006 State of the City Address, core steps for environmental policy were etched out, increasing the level of focus on innovation, and developing a strong foundation for environmentalism; and,

WHEREAS, one of those steps was to create an expedited permitting process for green buildings; and

WHEREAS, it is the intent of the City of Miami to promote environmentally sensitive design and construction; and

WHEREAS, a green building shall mean one whose design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials and be certified by the United States Green Building Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI FLORIDA:

Section 1. The City Manager shall implement a program to expedite the review and approval of permit applications for green buildings.

Section 2. City Staff will provide and introduce said ordinance within 60 days of resolution approval.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor. {1)

Footnotes:

{1) If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.

ORDINANCE

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE IV, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "ADMINISTRATION/DEPARTMENTS," BY ADDING NEW CODE SECTIONS CREATING A DEPARTMENT ENTITLED "MIAMI OFFICE OF SUSTAINABLE INITIATIVES," TO FOCUS ON COORDINATING CITY DEPARTMENTS, FACILITATING COMMUNICATION WITH ENVIRONMENTAL EXPERTS, AND ASSURING THAT THE CITY OF MIAMI IS WORKING TOWARD BECOMING A MODEL FOR ENVIRONMENTAL BEST PRACTICES; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during the past five (5) years, the City of Miami ("City") has launched a comprehensive and aggressive environmental program to clean streets, waterways, brownfields, storm drains, and improve air and water quality, thus reversing decades of environmental neglect; and

WHEREAS, in furtherance of this environmental program, Mayor Manuel A. Diaz ("Mayor") was one of the first United States Mayors to sign the Mayor's Climate Protection Agreement (the "Agreement") committing cities to take actions to reduce global warming pollution by striving to meet or exceed Kyoto Protocol targets; and

WHEREAS, the Mayor's commitment to join other mayors throughout the country (today 400 mayors representing over 58 million people have signed the Agreement), brought the issue of environmental policy to the forefront of south Florida priorities; and

WHEREAS, during the Mayor's 2006 State of the City Address, steps for a core environmental policy were etched out, increasing the level of focus on innovation, and development of a strong foundation for environmentalism; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), international communities' most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentration of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years are on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruptions of human and natural systems throughout the world including; increased risk of floods or droughts; sea level rises that

interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; and more often greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions by an average of 5.2 percent below the 1990 levels by 2012; and

WHEREAS, the United States of America ("US"), with less than 5% of the world's population, is responsible for producing approximately 25% of the worlds global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the US would have been 7 percent below the 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, leaders of state and local governments throughout the US are adopting emission-reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the US Conference of Mayor's Climate Protection Agreement including the Mayor of the City; and

WHEREAS, the Miami Office of Sustainable Initiatives would assure that all aspects of the Miami Climate Protection Agreement are addressed and appropriately prioritized.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are hereby adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 2, Article 4 of the Code of the City of Miami, Florida, as amended, entitled "Administration/Departments," is amended in the following particulars: (1}

"Chapter 2

ADMINISTRATION

* * *

ARTICLE IV. DEPARTMENTS

* * *

DIVISION 16. MIAMI OFFICE OF SUSTAINABLE INITIATIVES

Sec. 2-5xx. Created.

There is hereby created a department to be known as the Miami Office of Sustainable Initiatives.

Section 2-5xx. Appointment duties of director.

The city manager is authorized to appoint a director of the Miami Office of Sustainable Initiatives. The director shall administer the affairs of the department subject to the supervision and control of the city manager in all matters.

Section 2-5xx. Functions and duties of the department.

The functions and duties of the Miami Office of Sustainable Initiatives department are to:

(1) Establish and maintain programs that provide the city and its residents with economic and quality of life benefits such as reduced energy bills green space preservation air quality improvements reduced traffic congestion improved transportation choices and economic development and mob creation through energy conservation and new energy technologies.
(2) Develop and administer a baseline emissions inventory and timetable by calculating greenhouse gas emissions for a base year and a forecast year, capturing emissions levels from all municipal operations and from all community related activities.
(3) Propose resolutions establishing emission reduction targets for the city.
(4) Coordinate the cooperation of city departments to take action to reduce global warming pollution by striving to meet or exceed Kyoto Protocol targets.
(5) Ensure that sustainable initiatives set by this department are administered and followed by city departments.

(6) Facilitate communication between environmental experts and city departments for the adoption and enforcement of environmentally sustainable initiatives.

* * *

Section 3. If any section, part of section, paragraph, clause, phrase of word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately upon its adoption and signature of the Mayor. {2}

Footnotes:

{1} Words/and or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.