

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING MUNICIPAL CODE SECTION 20.04.50 – “BUSINESS RESOURCE AND ENERGY EVALUATIONS,” STREAMLINING BUSINESSES’ REQUIREMENTS FOR PARTICIPATION IN RESOURCE AND ENERGY EVALUATIONS (FIRST READING)

WHEREAS, in 2009, City Council approved an ordinance that mandated businesses participate in an energy and water evaluation of their facilities, the Free Resource Energy and Business Evaluation Program (FREBE); and

WHEREAS, almost all businesses in Chula Vista have gone through an evaluation and most have taken advantage of the SDG&E energy efficiency Direct Install program, changing out lights and having heating and air conditioning system upgrades; and

WHEREAS, SDG&E’s new Business Energy Solutions program provides for energy upgrades every five (5) years to allow for a truer assessment of energy efficiency impacts over time; and

WHEREAS, as the FREBE program provides businesses with access and information to monetary enticements in the form of energy savings and cost reductions, remove the potential of fines.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Code Amendment

Chula Vista Municipal Code Section 20.04.050 is amended to read as follows:

20.04.050 Business resource and energy evaluations.

All commercial and industrial businesses in the City of Chula Vista are required to participate in a free resource and energy evaluation of their facilities to help them identify energy and water efficiency and conservation opportunities that potentially reduce participants’ recurring utility costs and corresponding greenhouse gas emissions. Evaluations are required when a new business license is issued and not more frequently than once every five years or less frequently than once every five years for a renewed business license. Businesses are required to cooperate with City staff or their delegate(s) by providing: (A) a date and time for the evaluation convenient for the business, (B) access to their facilities for the evaluation during their regular business hours, (C) authorization to review their historical energy and water usage, and (D) a signature by the business’s on-site representative on a completed evaluation form acknowledging that the business has received a completed evaluation and relevant information about voluntary energy and water efficiency improvement opportunities. Businesses are not required to complete evaluations for facility areas beyond their

operational control. The intent of this section is to provide businesses with a no-cost evaluation.

A. Evaluation Notification Process. For existing licensed businesses, the City will send a written notice not more than once every three years through the annual business license renewal package distributed by January 1st. The notice will inform businesses of their evaluation requirement for that calendar year and provide information allowing them to schedule an appointment at their convenience. Businesses will be required to schedule an evaluation for the calendar year by March 1st. For newly licensed businesses, the City will send a written notification about their evaluation requirement for that calendar year and shall provide them with the contact information needed to schedule an evaluation assessment within 60 days. If an existing or newly licensed business does not set an appointment during the initial 60-day scheduling period, the City shall set an evaluation date and time for the business during their regular business hours. If desired, the business may reschedule the evaluation appointment for some time during that calendar year or the next 90 days, whichever is greater.

B. Evaluation Deliverables. The evaluation findings, provided to the participating business on a form established by the City Manager in conjunction with the local utility and business representatives, may include a chart of their historical energy and water consumption, identified conservation and efficiency opportunities, potential utility cost savings and an estimate of the corresponding greenhouse gas emission reductions. The assessment may also review alternative transportation and other sustainable practices which the business could implement and/or promote to its employees and customers and an estimate of the resulting greenhouse gas emission reductions. The City may also provide information and assistance regarding federal, state and local rebate programs for efficiency retrofits and low-cost financing options to help reduce the business's time and cost of implementing the voluntary measures. The City may also provide contact information for the local utilities' account and program staff and utility-approved Chula Vista contractors that may provide services identified in the evaluation.

C. Enforcement. Businesses which do not respond to the appointment notification process and provide access for the on-site evaluation shall be sent a follow-up notice with a 30-day opportunity to cure. Unresponsive businesses will be sent a second 30-day reminder notice.

D. Exemptions. Home offices, mobile businesses and other business entities that do not have a commercial utility gas or electric meter are exempt. Businesses occupying a facility which has had a completed evaluation within at least three years through the City's program or through a similar energy audit program (SDG&E or other City-recognized program) will be exempt, including facilities having multiple business licenses. The City will also provide an exemption to businesses that participate in a greenhouse gas emissions reporting program (Federal Environmental Protection Agency, the Climate Registry, or other City-recognized program) or possess a current City of Chula Vista CLEAN Business certification. Finally, the City shall grant any business with an exemption of at least five years when occupying newly constructed or remodeled facilities that have an approved Title 24 Energy Efficiency Report with its

building plans. These exemptions do not preclude any licensed business with a commercial electrical or gas meter from requesting a free resource and energy evaluation at the business's sole discretion.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Eric Crockett
Economic Development Director

Glen R. Googins
City Attorney