

CITY COUNCIL RESOLUTION NO. 10-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SUBMITTING TO THE QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010 A PROPOSAL TO ADOPT AN ORDINANCE RATIFYING AND IMPLEMENTING POLICIES IN SUPPORT OF RENEWABLE ENERGY AND ENVIRONMENTAL PROGRAMS FOR A SUSTAINABLE COMMUNITY; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND AUTHORIZING AND SETTING DEADLINES FOR THE FILING OF ARGUMENTS FOR OR AGAINST THE BALLOT MEASURE

WHEREAS, on June 29, 2010, the City Council of the City of Irvine adopted Resolution No. 10-69, calling and giving notice of the holding of a General Municipal Election to be held in the City on Tuesday, November 2, 2010; and

WHEREAS, on June 29, 2010, the City Council of the City of Irvine adopted Resolution No. 10-70, requesting that the Board of Supervisors of the County of Orange consolidate the General Municipal Election to be held in the City on Tuesday, November 2, 2010 with the Statewide General Election to be held in the City on Tuesday, November 2, 2010; and

WHEREAS, the City Council of the City of Irvine desires to submit to the voters a proposed ordinance that, if adopted, would ratify and implement policies in support of renewable energy and environmental programs for a sustainable community.

NOW, THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby submits the following ballot measure to the registered voters of the City of Irvine for their adoption or rejection in a General Municipal Election to be held in the City of Irvine on Tuesday, November 2, 2010:

Measure \_\_\_\_: Irvine Sustainable Community Initiative

"Shall an ordinance be adopted by the City of Irvine to ratify and implement policies in support of renewable energy and environmental programs for a sustainable community?"	YES  NO
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Section 2. The text of the proposed Ordinance for the ballot measure submitted to the City's voters is set forth in full in Exhibit A attached hereto and incorporated herein by this reference.

Section 3. The City Council hereby orders and directs the City Clerk to cause the Notice of the General Municipal Election to be published in the time, form and manner as required by law. The suggested form of notice of the election is as follows:

CITY OF IRVINE  
GENERAL ELECTION NOTICE FOR BALLOT MEASURE

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Irvine that in accordance with law, at the General Municipal Election to be held on Tuesday, November 2, 2010 in the City, there will be submitted to the voters a proposed Ordinance that, if adopted, would ratify and implement policies in support of renewable energy and environmental programs for a sustainable community.

Any person wishing to submit a direct argument for or against the ballot measure shall file such argument with the City Clerk, 1 Civic Center Plaza, Irvine, California, on or before August 6, 2010, which argument shall not exceed 300 words in length. Any rebuttal arguments for or against the ballot measure shall be filed with the City Clerk on or before August 16, 2010, and shall not exceed 250 words in length. Arguments that are selected for printing and distribution to the voters shall be selected in accordance with section 9287 of the Elections Code.

Section 4. In all particulars not expressly recited in this Resolution, the General Municipal Election shall be held and conducted as provided by law for holding general municipal elections.

Section 5. The City Council hereby authorizes, instructs, and directs the City Attorney to prepare an impartial analysis of the ballot measure, in accordance with the provisions of Elections Code section 9280, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis, not exceeding 500 words in length, shall be filed with the City Clerk on or before August 6, 2010.

Section 6. Pursuant to Elections Code section 9282, the City Council, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the measure. Pursuant to Elections Code section 9283, any argument filed by the City Council, or any member or members of the City Council, shall be accompanied by the printed name(s) and signature(s) of the authors(s) submitting it, or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. The argument may not be signed

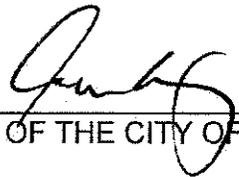
by more than five persons, otherwise the signatures of the first five shall be printed in the sample ballot. Any direct arguments for or against the ballot measure, not exceeding 300 words in length, shall be filed with the City Clerk on or before August 6, 2010. Any direct argument shall be accompanied by a signed Form of Statement and in accordance with guidelines for the filing of arguments which are available in the Office of the City Clerk. Direct arguments shall be subject to a 10-calendar-day public examination period in accordance with the provisions of Elections Code section 9295.

Section 7. Pursuant to Elections Code sections 9220 and 9285, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send a copy of the argument in favor of the measure to the authors of the argument against, and a copy of the argument against the measure to the authors of the argument in favor. The author or a majority of the authors of an argument may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument shall be filed with the City Clerk with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. A rebuttal argument may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut. Rebuttal arguments for or against the measure, not exceeding 250 words in length, shall be filed with the City Clerk on or before August 16, 2010. Any rebuttal argument shall be accompanied by a signed Form of Statement and in accordance with guidelines for the filing of arguments which are available in the Office of the City Clerk. Rebuttal arguments shall be subject to a 10-calendar-day public examination period in accordance with the provisions of Elections Code section 9295.

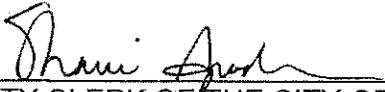
Section 8. If more than one argument for or more than one argument against the ballot measure is submitted, the City Clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the City Clerk shall give preference and priority to the submitted arguments in accordance with the provisions of Elections Code section 9287.

Section 9. The City Clerk is hereby directed to deliver forthwith certified copies of this Resolution to the Registrar of Voters of the County of Orange and to the Clerk of the Board of Supervisors of the County of Orange.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 13<sup>th</sup> day of July, 2010.

  
MAYOR OF THE CITY OF IRVINE

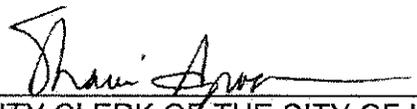
ATTEST:

  
CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF IRVINE )

I, SHARIE APODACA, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Irvine on the 13<sup>th</sup> day of July, 2010, by the following vote:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Krom and Kang  
NOES: 0 COUNCILMEMBERS: None  
ABSENT: 1 COUNCILMEMBERS: Shea

  
CITY CLERK OF THE CITY OF IRVINE

## EXHIBIT A

### AN ORDINANCE OF THE CITY OF IRVINE RATIFYING AND IMPLEMENTING POLICIES RELATING TO RENEWABLE ENERGY AND ENVIRONMENTAL PROGRAMS FOR A SUSTAINABLE COMMUNITY

The people of the City of Irvine do ordain as follows:

Section 1. Title. This Ordinance shall be known and referred to as the Irvine Sustainable Community Initiative.

Section 2. Purpose. This Ordinance is adopted to ratify and implement policies in support of renewable energy and environmental programs for a sustainable community.

Section 3. Recitals. It is found and declared that:

A. The City of Irvine is recognized as one of America's safest and most successful master planned communities. Among the many unique characteristics of Irvine are the core community values that result in the City's history of environmental stewardship, taking steps to preserve open space, protecting the natural environment, and developing a community that fosters well planned living, recreational, educational and work environments.

B. The City of Irvine has demonstrated its ongoing commitment to the environment, reflecting the values of the Irvine community, through its leadership in numerous endeavors, including: the City's creation of Orange County's first comprehensive "Green Building Program;" the City's early adoption of the State of California's Green Building Code; City Council adoption of a resolution committing to building new city facilities greater than 5,000 square feet to Leadership in Environment and Energy Design (LEED); the Mayor of Irvine signing the US Conference of Mayors Climate Protection Agreement; the City's 2008 adoption of an Energy Plan, consistent with the carbon emission goals of AB 32, California's Global Warming Solutions Act of 2008; and the City's creation of a Green Ribbon Environmental Committee comprised of appointed citizens.

C. In 1988, Irvine voters overwhelmingly approved the historic Open Space Initiative, which set the stage for the ongoing protection of more than 16,000-acres of parks and open space, while at the same time accommodating phased and master planned growth. The City of Irvine's Open Space Preserve is part of the City's protected natural open spaces. The Preserve is made up of native habitats, including wetlands, oak woodlands and extremely rare coastal sage scrub habitat, and is home to some of the most biologically diverse natural communities in the world. The City committed to protect and manage this land in exchange for creating housing and

economic growth in other areas. Protecting the rare natural environmental resources that are found in Irvine is a top priority and core value of the citizens of Irvine.

D. In 1989, the City of Irvine was the first municipality in the United States to adopt an ordinance governing the manufacture, distribution, sale and recycling of chlorofluocarbons (CFCs) and halons, which, when discharged into the environment, deplete the Earth's protective ozone layer.

E. The City of Irvine General Plan, Municipal Code and adopted building codes include policies that encourage energy and water conservation through the incorporation of innovative building systems. Green building practices reduce energy and water use, encourage the use of renewable energy sources, and the use of recycled-content and non-toxic building materials.

F. A growing number of cities in the State of California and nationally have adopted sustainable community practices relative to green building, smart growth, climate change and energy policies in response to greater concern for the health, energy costs, dependence on fossil fuels and related impacts on the environment.

G. The long-term growth and economic health of not only the City of Irvine, but also the State of California, is dependent on preserving natural resources, minimizing or eliminating detrimental impacts to the environment, and developing sustainable communities through smart-growth planning principles that encourage job growth in emerging energy and building technologies.

Section 4. The City of Irvine shall:

A. Continue to develop and implement programs to encourage:

- 1) Green building practices for new and retrofitted buildings and homes in the city, such as those rated or certified by Energy Star, Leadership in Environmental and Energy Design (LEED), Build It Green or other comparable programs that address energy and water conservation, renewable energy and use of recycled materials.
- 2) Business development of innovative technologies related, but not limited to renewable energy, energy conservation, water conservation and recycling, recycled content products and alternative fuel transportation.
- 3) Support to local businesses for job creation, education and training of employees for green technologies, energy conservation and related programs.
- 4) Loan programs to enable participation in residential or commercial building retrofits for energy conservation, renewable energy and related improvements.
- 5) Waiver, reduction or deferral of permitting, building plan check and inspection fees for certain energy efficiency or renewable

- energy improvements, including but not limited to installation of solar energy systems.
- 6) Participation in alternative transportation modes, including but not limited to alternate fuel, reduced emission or zero emission vehicles, mass transit services, carpooling, bicycling, and walking.
  - 7) Recycling, zero waste or other innovative on-site business programs to divert waste from landfills.
  - 8) Use of native, California-friendly and drought-tolerant landscaping.

B. Implement a comprehensive Sustainability Plan for the Orange County Great Park, addressing the following key sustainable community principles, among others:

- 1) Biodiversity - to provide ecological habitats and wildlife connections to enhance the region and reflect the local natural heritage.
- 2) Connection to Nature - to bring recreational and environmental education opportunities into the greater Orange County area.
- 3) Land Diversity - to implement sustainable agricultural management practices.
- 4) Air Quality - to improve the air quality of both internal and external environments.
- 5) Water – to protect and conserve both natural and potable water resources.
- 6) Well Being – to protect and improve health and productivity
- 7) Energy – to reduce the use of fossil fuels and emissions of greenhouse gasses.
- 8) Materials – to minimize the impact of construction materials and the generation of waste.
- 9) Transit-Oriented – to provide a transit-oriented development for the surrounding community with less-polluting transportation choices and connections within and beyond the Great Park.
- 10) Urban Forestry – to develop a Sustainable Urban Forestry Program.
- 11) Green Building – to commit to the City's adopted green building standards for new construction.
- 12) Monitoring – to incorporate ongoing measurements and monitoring of key sustainability metrics.

Section 5. Effective date. This Ordinance shall go into effect ten (10) days after the date on which the election results are declared by the City Council.

Section 6. Construction. To the maximum extent authorized by law, this Ordinance shall be interpreted in a manner consistent with the right of initiative reserved to the people by the California Constitution.

Section 7. Future amendments. Pursuant to article II, section 10(c) of the California Constitution, the provisions contained in this Ordinance may be amended by a four-fifths vote of the City Council only to the extent such amendments further or expand the intent and objectives set forth in this Ordinance. All other amendments or any proposed repeal of the provisions contained in this Ordinance shall become effective only when approved by the voters.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that determination of invalidity shall not affect other provisions or application of the Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are severable. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.