

MEMORANDUM

TO: Charter Commission Phase II Climate and Environmental Justice subcommittee members

FROM: Public Employees Act for Climate Emergency (PEACE) Steering Committee

DATE: August 9, 2022

RE: Recommendations and Considerations for Charter Amendments to center climate in government operations

Introduction

The Charter Commission represents a once-in-a-generation opportunity to transform Portland's government to respond to the climate challenges that will paralyze our city, its economy, and bring great harm to its people, plant life, fish, and wildlife. We are already bearing witness to the individual toll, from heat wave deaths to chronic health problems to rising costs of basic food that can no longer be grown or shipped from drought-stricken, flooded, scorched or war-torn lands. Soon we will see the systemic impacts that will bring irreparable damage to our economy, our forests, our water, wildlife, the air we breathe, and whole communities. The City of Portland of today cannot meet this challenge, it requires a fundamental shift in the what the city government looks like and how it operates. Only a change in the Charter can achieve this outcome. We are eager and willing to help.

We are **PEACE** – Public Employees Act for Climate Emergency - a collection of city employees who have been voluntarily working on our own time for over a year to develop the armature for a comprehensive plan to tackle the climate emergency based on the United Nations 17 Sustainable Development Goals (SDGs). On April 22, 2022, Earth Day, we released our first draft proposal to the community, partners, and City Commissioners. The proposal is organized into 6 portfolios, Justice, Equity, Mobilize, Nature, Emissions, Economics, each encompassing 3 SDGs plus an additional Goal, Indigenous, added for Portland.

These portfolios, and the Vision, Goals, and Strategies of each, provide ideas and opportunities for the Charter Commission's Phase II Climate and Environmental Justice subcommittee to center the City on the ubiquitous and complex sources and impacts of climate change, propelling Portland to be one of the most resilient and equitable American cities. To achieve this, the Charter Commission must ensure the City is structured appropriately and the bureaus have enumerated powers to implement the work. We are very grateful to the Climate and Environmental Justice Subcommittee for the invitation to share this proposal and charter ideas with you. Our work seeks a Just Transition to sustainability and regeneration.

Below we have identified a number of examples in each of the portfolios where the PEACE Vision, Goals, and Strategies can translate to Charter changes. In many cases, these examples cross multiple Portfolios, which is the intentional design of the SDGs: they are all interdependent. Some of these changes align

with the proposals submitted by the bureaus and may have crossover appeal to the Bureau & Office Subcommittee.

Specific Recommendations

Equity (Health, Education, Equality): *A future where everyone can thrive regardless of identity, prioritizing those who have been historically excluded*

- (Phase I recommendation): Transform to a more representative, accountable commission structure.
- To give Council broad powers to address climate change and climate justice, add “and climate” to Section 2-105(2): To secure protections of persons, ~~and~~, property, and climate and to provide for the health, cleanliness, ornament, peace, safety and good order of the city.
- Consider amendment to Chapter 3 to lower the voting age where possible now and/or automatically upon passage of needed state, county, or federal legislation. Like accrued infrastructure and pension system debt, the current and future planetary harm of carbon accumulation arose due to insufficient value being placed on the prosperity of future generations as well as clinging to flawed economic models for far too long. Additionally, youth should be directly represented with voting roles on the city’s various boards and commissions.

Mobilize (Action, Partnerships, Indigenous): *A future where we share, learn, grow, and create together to tackle the Climate Emergency*

- Replace Chapter 6 which refers to a Dock Commission and was deleted in 1984, with a new Climate Emergency Commission modeled after a similar commission in Boston, MA. This Commission should have the authority and accountability over climate matters across all city bureaus, ensuring the work of all bureaus is comprehensive, synergistic, efficient, and successful. The Commission would refer all policy and legislative matters to City Council. The Climate Emergency Commission must include community members to achieve the goals of the Justice, Mobilize, and Equity portfolio. There are two major elements to the Climate Emergency Commission:
 - It would independently oversee an Office of Climate Emergency with a Climate Emergency Commissioner as its executive, which could be established in the Charter in Chapter 6 or separately in Chapter 11 as a Special Service. The Office of Climate Emergency and the Climate Commissioner would have authority to direct all other bureaus on necessary measures to reduce all climate impacts and maximize climate adaptation measures. This office would be vested with the power to plan, track and measures it progress to making Portland a regenerated and sustainable city for all. PEACE recommends that this system be based on the United Nations Sustainable Development Goals. This comprehensive level of independence and accountability is critically missing from the current city structure.

- Second, this Office would have a role similar to the White House Council of Environmental Quality to oversee a NEPA/SEPA- like process (National Environmental Policy Act/State Environmental Policy Act) -like process to all infrastructure and programmatic efforts over a certain dollar or impact threshold to ensure that climate, equity, natural resources, and cultural resources are afforded the highest protection. NEPA requires a structured approach to consider the environmental consequences of alternatives in all major decisions. While Oregon is one of only two states without a state level NEPA, smaller jurisdictions have adopted NEPA like environmental assessments including Washington D.C. and Tahoe, CA. However, one valid criticism of NEPA is that it is simply an environmental assessment process that has little effect on the decision-making and outcome. New Jersey passed an environmental justice law that does just that ([New Jersey's Environmental Justice Law, codified at N.J.S.A. 13:1D-157 et seq. \(Act\)](#)) and PEACE is proposing a similar assessment process that can change outcomes. The PEACE proposed *Climate Emergency Budget Prioritizing Filter* could be a component of this analysis and many of the PEACE SDG11: City Strategies can be captured by this tool. Additionally, a NEPA-like process builds-in accountability by granting standing to non-profits and individuals to bring suit if process is violated. While we do not necessarily seek a lawsuit-intensive approach, we do believe an external accountability mechanism is crucial to success of the concept in what is ultimately an intergenerational human rights issue. We would love to discuss alternative approaches to this accountability with you.
- For the Indigenous Goal, see the Right of Nature recommendation below under the Nature Portfolio.

Nature (Sanitation, Water, Land): *A future with abundant, complex, and interconnected natural systems through the city*

- To ensure Portland does not slide backwards, lose species, canopy, water quality, critical cultural resources, or the ability to be resilient and provide critical ecosystem services in the face of climate change, add a Right of Nature and Right to Nature to 2-105 to allow for the defense and enjoyment of nature and climate and create a mechanism for reparations from impacts to nature and climate and the communities that suffer those harms. Proposed language can be simple, “Ecosystems and natural communities within Portland possess the right to exist, flourish, and evolve. These communities are vested with standing to petition City Council as “persons” to take action on their behalf.” The Community Environmental Legal Defense Fund (located in Pennsylvania) has drafted over 30 municipal laws granting rights of nature, in addition to aiding Ecuador and New Zealand in their constitutional amendment process to add such a right. Note this recommendation is strongly tied to the Mobilize Portfolio which includes the Indigenous goal: Co-Create with indigenous peoples for sustainable outcomes over seven generations. In addition to a Right of Nature, PEACE strongly supports a Right **to** Nature to support the Nature, Equity, Mobilize, and Justice portfolios. Clean water and air to drink, breath, eat from and recreate in; safe lands to grow foods with abundant pollinators to ensure healthy production; abundant trees, vegetation, natural areas, and open space to clean the air and water, provide cooling and healthy recreation, and habitat for fish and wildlife; abundant connected wildlife not just for viewing and recreation but also as a measure of the health of the urban ecosystem;

are all critical to a thriving community in a climate changed world and are especially critical for Indigenous cultures.

- Add new Sections to 2-105 that add natural resource protection, restoration, and remediation so that the City can be poised to adequately adapt to inevitable climate changes (this change was also submitted by Commissioner Mapps on behalf of BES):
 - 2-105 (63). To protect, restore, remediate or alter channels, riparian areas, and floodplains of streams; improve waterfronts; protect, restore, expand, fill, or grade lakes, ponds, wetlands, and other waters, natural systems, or constructed equivalents; increase or diminish the flow of waters over or into land, or in natural or artificial channels and purify those waters; perform other acts and things found necessary or appropriate for sewerage, drainage, purification, and proper disposal thereof; fix charges therefor. The Council may assess such charges as part of sewer, water, and other charges.
- We recommend adding specific climate powers as appropriate to Chapter 11, Special Services, Chapter 12, Public Facilities and Works, and Chapter 15 Prosper Portland.
 - For example, to the Bureau of Environmental Services, memorialize the work necessary for a sanitary, storm, and watershed utility that supports the city's overall climate resilience (this change was also submitted by Commissioner Mapps on behalf of BES): Chapter 11. Special Services, Article 3. Sewage Disposal or Purification, Section 11-301: Sewage Disposal or Purification System The Council may protect, restore, construct, reconstruct, remediate, enlarge, alter, modify, equip, operate and maintain a sewage and stormwater disposal or sewage purification system within or without the corporate limits or both, including but not limited to: all methods of storm drainage, including use of natural systems or constructed equivalents, intercepting sewers, diversion sewers, relieving or interconnection sewers, sewers to separate storm and sanitary sewage, pump or ejector stations and equipment, and plants for the treatment and disposal of sewage. For that purpose the City may acquire by any lawful means property, real or personal, interests in property, equipment, and related facilities and may make all expenditures which the Council finds necessary or appropriate to carry out such purposes, either within or without the corporate limits. The City may sell or otherwise dispose of any or all by-products or salvage products from this operation. The City also may contract with any other person, public or private, to further purification of public waters or protection of the public health.
 - Section 12-101: "The Council may do all things it finds necessary or convenient to promote recreational facilities and aesthetic enjoyment of the people, [**sustainability of the environment, resilience of the community**], and the beautification of City property. [May 19, 1950, new sec. 9-605; rev. Nov. 8, 1966.]"
 - Section 12-301 & 12-302: add statements to both: "Such works shall employ the least lifecycle emissions method that meets functional requirements, unless an exception is granted by [the Public Works Officer]."

Emissions (Energy, Infrastructure, Cities): *A future where the development of buildings and infrastructure prioritizes inclusion, affordability, sustainability, and resiliency*

- Repeal Section 1-108, Mandatory Weatherization for Existing Buildings Requires Vote of the People. This section, read broadly, applies not just to insulating buildings against cold, but also buffering temperature increases and heat waves. This requirement burdens tenants, prevents modernization, and institutionalizes energy inefficiencies in buildings older than 1979.
- Please be explicit by adding “fossil fuels in any form” to Section 2-105(45) even though “combustible materials” are already included. This will allow the city to address fugitive emissions and fossil fuel storage more explicitly.
- To support decarbonization and renewable energy goals, rewrite Section 2-105(62) which as currently written is directed at the hydropower production from the Bull Run Hydropower generation, so that it is expanded to include all renewable energy that meets the state Renewable Portfolio Standard. This will allow the City to enter into direct contracts with renewable energy generators, develop its own renewable energy beyond hydropower (in-pipe microhydro, wind, solar etc.), and transmit and sell it. This may also require rethinking the Bureau of Hydroelectric Power (currently imbedded in the Water Bureau) to be a more expansive Bureau of Renewable Energy/Energy Independence.
 - Within 2-105(62) consider adding the power to regulate all energy sources to support a goal of making Portland an Decarbonized City by 2040, by requiring all vehicle emissions, home, business and property emissions be carbon free by 2040, by relying on Renewable electrical energy and locally generated sustainable energy such as wind, solar or alternate clean fuels.
- Amend Section 7-101 to require full accounting of Carbon Emissions, including Scope 1, 2, and 3 emissions and include disclosure in annual financial reporting.
- Under Section 2-301, the Charter envisioned five bureaus include a Department of Public Utilities and a Department of Public Works. When considering a consolidation/reorganization of bureaus, use climate outcomes as one of the key screens. For example, all bureaus that build infrastructure, heavily utilizing concrete, could be consolidated to provide singular direction on carbon reduction techniques from infrastructure construction as proposed in the Emissions Portfolio/SDG9: Infrastructure, such as mandating that Infrastructure projects exceeding \$5M or \$10M (say) meet a minimum Envision compliance standard. All bureaus that manage natural resources for carbon sequestration and climate adaptation could consolidate functions to maximize blue-green infrastructure management for climate. A new Community Development Bureau could lead efforts for the Justice and Equity PEACE proposals.

Economics (Growth, Inequalities, Consumption): *A future in which everyone has enough within planetary boundaries that no one is left behind.*

- There are many recommendations to lead to a regenerative, circular economy that require specific powers to cover existing and future bureau activities. Ensuring these powers are in the

Charter so that bureaus can pivot quickly without charter amendments will be critical. For example:

- A key recommendation is to develop a carbon pricing based economy. To be able to do this, add the power to provide “a standard for measuring, regulating, and pricing carbon” to Section 2-105(43) which already includes the ability to set measures and regulate fuel.
 - To move towards a zero-waste, circular, regenerative economy, add a specific power in 2-105 to allow for the regulation of all waste streams, including but not limited to reuse, recycling, composting, and elimination of all waste streams (such as the plastic bag ban). A limited power is included in 2-105(25) as it relates to public streets and sidewalks, but it is necessary to expand the power to fully address the limitations of the City in managing all forms of waste.
- The risk of climate inaction exceeds near-term financial risk: Amend Section 7-204: 4% limit on bonding authority: Make exception (say up to 6%) for bond issuances meeting the performance criteria of Climate Bond Certification.
 - Chapter 5, Section 5-106: add language: “The fund shall immediately and permanently divest of all assets which derive more than 1% of revenues from fossil fuel: exploration, extraction, processing, transport, refinement, or sale.” <invest>Alternatively: Amend Section 5-106 and other pertinent sections: “Direct or Indirect holdings in fossil fuels is prohibited”

Justice (Poverty, Hunger, Justice): *A future where justice, dignity and equity are the norm, not the exception.*

- Many of the Justice based recommendations are imbedded in other recommendations above, exemplifying that justice is institutionalized, not added on.

Thank you for your consideration of these ideas and your interest in making Portland a new model of a more sustainable, fair, just and equitable city