

## REPORT TO CITY COUNCIL

**DATE:** JUNE 12, 2024

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** NATHAN HAMBURGER, CITY MANAGER

**SUBJECT:** REQUEST TO APPROVE RESOLUTION NO. 24-2070, RATIFYING CITY MANAGER'S DIRECTION TO SUSPEND ENFORCEMENT OF ALL-ELECTRIC ORDINANCE

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The City of Agoura Hills has committed to utilizing innovative solutions to reduce greenhouse gas emissions through its adopted Climate Action and Adaptation Plan (CAAP). Although many of the target goals are aspirational, the implementation process that has been taking place this past year are focused to define clear actions that can be taken to meet or exceed these established goals. Utilization of the various energy sources are one of the areas where improvements are possible.

On January 25, 2023, the City Council adopted Ordinance 23-466, amending the California Green Building Standards Code to establish the City of Agoura Hills Reach Code and Adopt All-Electric Building Requirements (All-Electric Ordinance). In April 2023, a ruling was issued in *California Restaurant Association v. City of Berkeley* by the Ninth Circuit Court of Appeal which would in turn prevent the City of Agoura Hills from implementing its All-Electric Ordinance. In response to this ruling, direction was provided to staff to cease the enforcement of this Ordinance until further analysis could be completed.

There have been no instances where City staff enforced the All-Electric Ordinance and are now requesting the City Council ratify this direction provided by the City Manager, which will suspend enforcement of the Ordinance until staff can complete a further review and provide more detailed information to the City Council in regard to the All-Electric Ordinance.

With the understanding that the City's CAAP is still a priority to the City Council and the community, staff will continue to look for ways to reduce greenhouse gas emissions and their impacts on the environment. Further information will be provided to the Environmental Responsibility Subcommittee and, ultimately, the full City Council following the review of the CAAP implementation. Although there is not a specific timeline established, staff understands the importance of these efforts and the expediency that may be desired.

## **FISCAL IMPACT**

The suspension of the enforcement of the City's All-Electric Ordinance will not have any direct impact on the City's current or upcoming Fiscal Year budget. The analysis by staff will be included in the approved Community Development (Building & Safety division) budget in conjunction with the CAAP implementation.

## **RECOMMENDATION**

Staff respectfully recommends the City Council approve Resolution No. 24-2070, Ratifying the City Manager's direction to suspend enforcement of the All-Electric Ordinance.

Attachment: Resolution No. 24- 2070

**RESOLUTION NO. 24-2070**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, RATIFYING CITY MANAGER'S DIRECTION TO SUSPEND ENFORCEMENT OF ALL-ELECTRIC ORDINANCE**

**WHEREAS**, on January 25, 2023, the City Council of the City of Agoura Hills adopted Ordinance 23-466, An Ordinance amending the 2022 California Green Building Standards Code to establish the City of Agoura Hills Reach Code and Adopt All-Electric Building Requirements ("All-Electric Ordinance"); and

**WHEREAS**, on a ruling issued April 17, 2023, in *California Restaurant Association v. City of Berkeley* ("*Berkeley*"), the Ninth Circuit Court of Appeal held that the Energy Policy and Conservation Act (42 U.S.C. § 6297(c)) preempted the City of Berkeley's ordinance prohibiting the installation of natural gas piping within newly constructed buildings;

**WHEREAS**, the *Berkeley* decision is binding on the City of Agoura Hills;

**WHEREAS**, in response to the *Berkeley* decision, the City Manager of the City of Agoura Hills directed City staff to suspend enforcement of the City's All-Electric Ordinance, and the City Council seeks to formally ratify the City Manager's decision.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY DOES RESOLVE AS FOLLOWS:**

**SECTION 1. Ratification of Suspension of Enforcement of All-Electric Ordinance.** The City Council of the City of Agoura Hills hereby ratifies the City Manager's direction to City staff to suspend enforcement of the All-Electric Ordinance and directs City staff to continue suspending enforcement of said Ordinance until the City Council amends the All-Electric Ordinance to comport with the *Berkeley* decision.

**PASSED, APPROVED, AND ADOPTED**, this 12<sup>th</sup> day of June, 2024, by the following vote to wit:

AYES:            ()  
NOES:            ()  
ABSENT:         ()  
ABSTAIN:        ()

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Illece Buckley Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, City Clerk