


COUNCIL COMMUNICATION

	Number:	20-320	Meeting:	August 3, 2020
	Agenda Item:	35	Roll Call:	20-1241
	Submitted by:	Scott E. Sanders, City Manager		

AGENDA HEADING:

Amending Chapter 26 of the Municipal Code by adding and enacting Section 26-909, relating to energy and water use benchmarking civil penalties.

SYNOPSIS:

Approve staff recommendation to add and enact Section 26-909 relating to implementation of a civil penalty action in the event of property owner failure to submit a completed benchmarking report and failure to pay the applicable administrative penalty.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On June 3, 2019, City Council approved adding and enacting Article IX. Energy and Water Use Benchmarking, relating to energy and water use benchmarking for certain properties in the City.
- Section 26-908 imposes an administrative penalty on the owner of a covered property who fails to submit a completed benchmarking report.
- The administrative penalty schedule includes a \$300 1st violation penalty and a \$500 penalty for each subsequent violation.
- In the event an owner of a covered property fails to submit a completed benchmarking report and fails to pay the administrative penalty, the amendment will allow the City to implement a civil penalty/municipal infraction court action to collect.

PREVIOUS COUNCIL ACTION(S):

Date: June 3, 2019

Roll Call Number: [19-0917](#), [19-0918](#), and [19-0919](#)

Action: [Amending](#) Chapter 26 of the Municipal Code regarding energy and water use benchmarking for certain properties in the City, as amended. ([Council Communication No. 19-265](#)) Moved by Mandelbaum to receive and file comments and documents, and that this ordinance do now pass after striking Section 26-904(d) sections 1 and 2 and all of Section 26-909, and to have amendments to the ordinance for consideration at the July 15th Council meeting regarding pathways for performance verification as an option to not publicly disclose information and regarding civil penalties, [#15,779](#). Motion Carried 5-2. Nays: Gatto and Westergaard.

(A) [Amendment](#) to the Schedule of Administrative Penalties. Moved by Mandelbaum to adopt. Motion Carried 5-2. Nays: Gatto and Westergaard.

(B) [Amendment](#) to the Schedule of Fees. Moved by Mandelbaum to adopt. Motion Carried 5-2. Nays: Gatto and Westergaard.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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