

ORDINANCE NO. 4913

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO ADMINISTRATION OF THE CITY'S ELECTRIC AND GAS UTILITIES AND ADDING A NEW CHAPTER "9.85 GREENHOUSE GAS EMISSIONS - CAP AND INVEST PROGRAM" TO THE ELLENSBURG CITY CODE.

WHEREAS, In 2021, the Washington Legislature passed Senate Bill 5126, the Climate Commitment Act (CCA); and

WHEREAS, the CCA establishes a cap-and-invest, market-based program ("Cap and Invest Program) to reduce carbon pollution and achieve the greenhouse gas limits set in state law, which applies to both private and public utilities, including the City of Ellensburg's electric and natural gas utilities; and

WHEREAS, the Cap and Invest Program sets a limit, or cap, on overall carbon emissions in the state and requires energy utilities to obtain allowances equal to their covered greenhouse gas emissions; and

WHEREAS, allowances can be obtained through quarterly auctions hosted by the Washington State Department of Ecology, or bought and sold on a secondary market;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. A new chapter entitled "9.85 GREENHOUSE GAS EMISSIONS - CAP AND INVEST PROGRAM" is hereby added to Title 9 of the Ellensburg City Code to read as follows:

9.85
Greenhouse Gas Emissions – Cap and Invest Program

Sections:

9.85.020 Purpose.

9.85.040 General.

9.85.060 Selection of city representative and delegated authority.

9.85.020 Purpose.

This chapter establishes the rules for participation by the city in the Washington State Greenhouse Gas Emissions Cap and Invest Program created by Chapter 70A.65 RCW.

9.85.040 General.

- A. The public works and utilities director will direct the city's participation in the state's Cap and Invest Program for the city's electric and gas utilities.
- B. The public works and utilities director will keep the city manager, finance director, utility advisory committee and city council apprised of prospective needs for participation in the Cap and Invest Program and the strategies in place to manage compliance.

9.85.060 Selection of city representative and delegated authority.

A. The public works and utilities director, or their designee, is delegated all necessary authority to carry out the duties and responsibilities contained in chapters 70A.65 RCW and 173-446 WAC on behalf of the city, which shall be bound by their representations, actions, inactions, or submissions and by any order or decision issued to them by the Washington State Department of Ecology, the Washington State Pollution Control Hearings Board, or a court of law regarding the city's participation in the Cap and Invest Program, including but not limited to the following:

1. To designate the primary and alternate account representatives for purposes of conducting the city's duties and responsibilities in compliance with the state Cap and Invest Program; and
2. For the purchase and sale of greenhouse gas/carbon compliance instruments such as carbon credits/allowances, offsets, and other associated compliance instruments.

B. Authority delegated in this section must be exercised in accordance with state and federal law, and city policy, and is limited by expenditure authority designated for each respective fund in the city's biennial budget.

C. The public works and utilities director will notify the city manager, utility advisory committee and city council at the first opportunity of Cap and Invest Program market activity exercised on behalf of the city, and any order or decision issued to the city regarding the city's participation in the Cap and Invest Program.

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 17th day of April, 2023.

ATTEST:

Nancy N. Kilgour
MAYOR
Beth Leader
CITY CLERK

Approved as to form:

John J. [Signature]
CITY ATTORNEY

Publish: 4-20-2023

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4913 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4913 was published as required by law.

Beth Leader
BETH LEADER