

Overview

As SC County constituents and concerned citizens, we would like to recommend that our County adopt a Sustainability Ordinance that will strengthen the foundation of existing laws, policies and procedures and assist in the development of a healthy environment for current and future generations. The purpose of this ordinance would be to provide a more encompassing framework and additional definition for the County's policies and efforts and also enhance the work of the Commission on the Environment toward ensuring long-term environmental sustainability.

In order to better implement such an ordinance we are requesting the addition of a Guardian position, similar to an Ombudsman, be created under the Commission on the Environment. Both of these requests, the ordinance and the Guardian, complement the purpose of the Commission on the Environment, and would enhance and further its current goals.

The Board of Supervisors, Commission on the Environment, and the Guardian can use the Precautionary Principle, as detailed in the addendum, as a guide to integrate policies and actions by the Board, Commission, and Guardian.

Please find in your packet:

- 1) Cover letter
- 2) Proposed SCC Sustainability Ordinance
- 3) Supporting materials
 - a) Proposed SC County Precautionary Principle Policy
 - b) Similar Precautionary Principle Initiatives
 - c) Commission on the Environment

Dear County Supervisors and staff,

Santa Cruz County has demonstrated its dedication to a sustainable environmental community by the institution of oversight commissions and action plans such as the Commission on the Environment, Hazardous Materials Advisory Commission, the Environmental Health Appeals Commission, and the Climate Action Strategy, as well as the implementation of Measure C.

The County has adopted the Environmental Principles and Policies to Guide County Government (chapter 16.92) and numerous County Codes that deal with hazardous materials, agricultural practices, pollution issues, renewable energy and recycling resources.

Our county has the potential to become a model for other counties and cities where our life-sustaining resources are valued and protected and **where sane, reverent, commonsense principles become public policy**. One of the goals of the County is to create long-lasting economic sustainability while protecting and preserving our 'commons' – our natural environment and all of its components and communities including, but not limited to, the air, water, soil and climate upon which all living things depend.

Environmental and economic sustainability are not just goals for the present, but also for future generations. Every resident, present and future, of Santa Cruz County has an equal right to a healthy and safe environment. This requires that our air, water, earth, and food be sustained at a sufficiently high standard that individuals and communities can live healthy, fulfilling, and dignified lives. The duty to enhance, protect and preserve Santa Cruz County's environment, community health, and quality of life rests on the shoulders of local government, residents, citizen groups, and businesses alike.

We are, therefore, advocating for a Sustainability Ordinance that will strengthen the foundation of existing laws, policies and procedures and assist in the development of a healthy environment for current and future generations. The purpose of this ordinance would be to provide **a more encompassing framework and additional definition** for the County's policies and efforts and also to enhance the work of the Commission on the Environment toward ensuring long-term environmental sustainability.

In order to better implement such an ordinance we are requesting the addition of a Guardian position, similar to an ombudsman, be created under the Commission on the Environment. This Guardian would be tasked with protecting and preserving our 'commons' – our natural environment and all of its components and communities including, but not limited to – the air, water, soil and climate upon which all living things depend – helping the Board with the charges required by the Commission. (See addendum.)

Both of these requests, the ordinance and the Guardian, complement the purpose of the Commission on the Environment, and would enhance and further its current goals.

The Precautionary Principle, as detailed in the addendum, can be used as a guide to integrate policies and actions by the Board, the Commission, and the Guardian. Some of these principles are as follows:

1) The right of the community to complete and accurate information about potential impacts on human health and on our environment, and to be assured that their elected officials are acting in their best interests.

2) A duty to consider all the reasonably foreseeable short and long-term costs and benefits to public, as well as private, sectors of the community, even if such costs are not reflected in the price. Some of these costs and benefits may include raw materials, manufacturing, transportation, use, cleanup, eventual disposal, labor, energy, health, safety, and job-creation.

3) A careful assessment of available alternatives using the best available science would become of tool of government to be used in various departments. An **alternatives assessment** would examine a range of options considering short-term versus long-term benefits and costs, to evaluate and compare the effects of each option. This evaluation would allow a fundamental question to be asked: "How can any harm best be mitigated?" Government, business, and community groups, as well as the general public, share this responsibility and we are suggesting that it be done **beforehand**, rather than after harm has occurred.

We suggest that decisions applying the Sustainability Ordinance be transparent, participatory, and informed by the best available information. The County should make a reasonable effort to include the public in an appropriate manner when making decisions that may affect our environment, health, and quality of life.

We hope you will agree with this reasoning and give careful consideration to our request.

Respectfully,

The Earth Democracy Committee of the Santa Cruz Branch of Women's International League for Peace and Freedom:

Ellen Murtha, Lynda Francis, Mathilde Rand, Jeri Bodemar, Randa Solick.

Proposed Santa Cruz County Sustainability Ordinance

(adapted from Santa Monica, Lyndhurst NJ, and Berkeley ordinances)

Purpose

A healthy environment is necessary to sustain long-term economic and societal interests in Santa Cruz County. The precautionary approach to decision-making will support Santa Cruz County to move beyond fixing environmental ills to preventing the ills before they can do harm.

This Ordinance is created and exists for the purpose of codifying Santa Cruz County's commitment to achieving long-lasting and economic sustainability by (1) protecting and preserving our 'commons' - our natural environment and all of its components and communities including, but not limited to the air, water, soil, and climate upon which all living things depend; and (2) establishing a post of Guardianship of Future Generations.

Rights of Santa Cruz County Residents and the Natural Environment

- a) All residents of Santa Cruz County possess fundamental and inalienable rights to: clean water from sustainable sources; marine waters safe for active and passive recreation; clean indoor and outdoor air; a sustainable food system that provides healthy, locally grown food; a flourishing biodiverse environment; comprehensive waste systems that do not degrade the environment; and a sustainable energy future.
- b) Residents and citizen groups have the right to protect and preserve the County's environment, along with local governments and businesses.
- c) Natural communities and ecosystems possess fundamental and inalienable rights to exist and flourish in the County of Santa Cruz. Natural communities and ecosystems are defined as: groundwater aquifers, atmospheric systems, marine and ground waters, land, and native species within the boundaries of the County. To implement those rights on behalf of the environment, residents of the City may bring actions to protect and preserve the rights agreed upon in the establishment of the Marine Sanctuary.
- d) All residents of Santa Cruz County possess the right to self-governance and to a municipal government which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent, and that corporate entities, and their directors and managers, do not enjoy special privileges or powers that subordinate the community's rights to their private interests.

Declaration of Policy

The following Precautionary Principle shall be established as the policy of Santa Cruz County: “When an activity raises threats of harm to human health, or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.”

Implementation of Policy

The County of Santa Cruz will utilize the Precautionary Principle to create and maintain a healthy, viable environment for current and future generations, and become a model of sustainability. The Precautionary Principle is intended as a tool and philosophy to promote environmentally healthy choices while removing the sometimes negative and often unintended consequences of new technologies.

Protective Action

By using the Precautionary Principle, the burden of proof will be shifted from the public to the proponent of a technology. Any “proof” submitted by said proponent must be free of any conflict of interest such as investments in, or connection to, said proponent. Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the County to postpone measures to prevent the degradation of the environment or protect the health of its citizens. Any gaps in scientific data will not prevent protective action being taken by the County. As new scientific data become available, the County will review its decisions and make adjustments when warranted.

Post: Guardian of Future Generations

The County Board of Supervisors shall establish a Post for the Guardian of Future Generations, who will make ongoing recommendations to the Board. This might be a volunteer position, or a person attached in some manner to an existing commission.

Biennial Report

Every 24 months the County staff shall prepare a written report based on the Guardian’s findings. The report shall include a summation of the County environmental status/condition and the County’s progress in implementing this ordinance. The report shall include recommendations for advancing and ensuring compliance with the Guardian’s findings. The report will also identify findings written by the Guardian that were deemed infeasible by the County Supervisors and explain their rationale.

This report will be made available to the public at a public hearing at least every two years.

The County Board of Supervisors will review the report, conduct the public hearing, assess the County's progress in implementing and enforcing the policies and provisions of this ordinance, and provide direction to staff to ensure compliance with the Plan's provisions and with the inherent rights of the people and natural communities of the County of Santa Cruz described herein.

Compliance Assurance

Section 1. The County or any County resident may bring an action to enforce any provision of this ordinance.

Section 2. Any provision of the Santa Cruz County Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The County Board of Supervisors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Proposed: The County of Santa Cruz Precautionary Principle Policy

Whenever any of the words hereinafter defined are used in this chapter, they shall be construed to mean the following:

A. "County" shall mean, for the purposes of this chapter, the County of Santa Cruz.

B. "**County of Santa Cruz Precautionary Principle policy:**" Where threats of serious or irreversible damage to people or nature exist, lack of full scientific certainty about cause and effect shall not be viewed as sufficient reason for the County to postpone measures to prevent the degradation of the environment or protect human health. Any gaps in scientific data uncovered by the examination of alternatives will provide guideposts for future research, but will not prevent protective action being taken by the County. As new scientific data become available, the County will review its decisions and make adjustments when warranted.

C. A thorough analysis of a wide range of options will be explored in order to present the public with different effects of different options considering short-term versus long-term effects or costs, and evaluating and comparing the adverse or potentially adverse effects of each option, noting options with fewer potential hazards. The "Precautionary Principle" approach shall mean a **course of action and decision-making by the County guided by the following tenets:**

- Anticipatory Action: Anticipatory action prevents harm. Government, business, community groups, and the public share this responsibility.
- Right to Know: The community has a right to know complete and accurate scientific information on potential health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public.
- Assessment of Options: Examine a full range of choices and select the alternative with the least potential impact on health and the environment including the alternative of doing nothing.
- Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the costs even if such costs are not reflected in the initial price. Short- and long-term time thresholds will be considered when making decisions, including evaluation of significant costs expected during the lifetime of a product, (e.g. raw materials, manufacturing and production, transportation, use, clean-up, acquisition, extended warranties, operation, supplies, maintenance, disposal costs, long and short-term environmental and health impacts); and that expected lifetime compared to other alternatives.
- Participatory Decision Process: Decisions applying the Precautionary Principle should be transparent, participatory by including community input, and informed by the best available scientific and demographic information.

Similar Precautionary Principle Initiatives
instituted by other cities and international groups

(see entire list of initiatives & laws at www.sehn.org)

- 1) **Several US cities have created their own Precautionary Principle Ordinances:** (e.g. San Francisco and Berkeley in California and Lyndhurst in New Jersey) -- or a similar Sustainability ordinance (e.g. Santa Monica). Also Resolutions passed in Marin County and Emeryville, CA, as well as in Hawaii, New York State and Multnomah County, OR.
- 2) **The statement on the use of the Precautionary Principle by the European Commission:** "After its adoption by the European Commission the Precautionary Principle, has come to inform much of EU policy, including areas beyond environmental policy. And through its application in case law, it has become a general principle of EU law."
http://ec.europa.eu/dgs/health_consumer/library/pub/pub07_en.pdf
<http://www.greens.org/s-r/23/23-17.html>
<http://www.euractiv.com/climate-environment/precautionary-principle-european-union-impact-international-trade-relations/article-110071>
- 3) **Report from the Global Conference on Implementing Intergenerational Equity: Bringing Future Perspectives to the Status Quo.**(Co-sponsored by the United Nations Environment Program): "The report evaluates how the need for intergenerational solidarity could be addressed by the United Nations system and analyses how the issue of intergenerational solidarity is embedded in the concept of sustainable development and includes existing treaties, declarations, resolutions, and intergovernmental decision."
- 4) **The Wingspread Statement on the Precautionary Principle by 33 experts in January 1998** and six other official statements listed on the www.sehn.org site
- 5) **Precautionary regulations of GMOs** in the European Union: results of a ten-country study; and **11 International Negotiations** involving the Precautionary Principle
- 6) **Maastricht Treaty on the European Union, Title XVI 1994** Community policy on the environment...shall be based on the precautionary principle and on the principles that preventive actions should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

Commission on the Environment

The **Santa Cruz County Commission on the Environment** acts as an advisory body to, and resource for, the County Board of Supervisors. The Commission is charged with recommending policies and action programs designed to improve and protect the environment. In accordance with its purpose as presented in Chapter 2.54.050 of the County Code, the Commission **shall: Advise the Board of Supervisors and make recommendations on ways to improve and protect the environment to ensure the long term environmental sustainability of the County;**

1. Advise the Board of Supervisors and work with other commissions in reviewing the updating County policies to provide a comprehensive course of action to support these goals in both the public and private spheres;
2. Serve as an information clearing house to the Board of Supervisors and other county commission about proposed and pending legislation, both state and federal, which may impact the environment;
3. Advise the Board of Supervisors on potential areas of cooperation with other public and private agencies and organizations to plan and implement effective environmental policies in Santa Cruz County; and
4. Exercise any other responsibilities that may be set forth in the commission's bylaws, or may be directed by the Board of Supervisors.

MEETING SCHEDULE: Regular meetings of the Commission on the Environment are held 6 (six) times per year, starting at 5:00 p.m. in the Santa Cruz County Board of Supervisors Chambers, 5th Floor, Governmental Center, 701 Ocean Street, Santa Cruz.

[Click here for Commission on the Environment 2014 Meeting Schedule](#)

[Click here for Commission on the Environment Meetings Agendas and Minutes](#)

MEMBERSHIP: The Commission on the Environment is composed of ten members, two members representing each supervisorial district. Members are appointed by their district's respective Supervisor. **The current Commission membership is:**

Greg Pepping, Vice Chair	District 1 - Supervisor John Leopold
Tiffany Wise-West	District 2 - Supervisor Zach Friend
John Hunt	
Ross Clark, Chairperson	District 3 - Supervisor Neal Coonerty
Laura Kasa	
Bob Culbertson	District 4 - Supervisor Greg Caput
Robert Ketley	
Virginia Johnson	District 5 - Supervisor Bruce McPherson
Karen Christensen	