



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** November 28, 2017

**DEPARTMENT:** CITY ATTORNEY'S OFFICE

**FROM:** Christopher A. Callihan, City Attorney

**TITLE:** RESOLUTION IN SUPPORT OF ENVIRONMENTAL JUSTICE

**RECOMMENDED MOTION:**

A motion to approve a Resolution in support of environmental justice.

**RECOMMENDATION:**

It is recommended that the City Council consider the proposed Resolution.

**EXECUTIVE SUMMARY:**

At the October 24, 2017 City Council meeting, the Mayor, supported by Council member Davis, requested that a resolution in support of environmental justice for the community be prepared and brought forward to the full City Council for consideration.

**BACKGROUND:**

“Environmental Justice” can generally be understood as referring to one component of the effort to improve and to maintain a clean and healthy environment, especially for those who have traditionally lived and worked closest to sources of pollution, commonly people who are poor and/or people who are from communities of color. The movement was started by individuals, primarily people of color, who sought to address the inequity of environmental protection in their communities. The movement began in the 1980's, partially as an extension of the Civil Rights Movement of the 1960's. Both the Federal and the State governments have established departments and programs and have adopted laws and regulations to support and to promote environmental justice to support the efforts of the movement and those affected by environmental injustices. Both the Federal and the State governments define environmental justice and while the two definitions differ in some respects, both emphasize the fair and the equal treatment and involvement of all people in the creation and the execution of environmental laws, regulations, and policies.

The United States Environmental Protection Agency (EPA) has defined “environmental justice” as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of

environmental laws, regulations, and policies.<sup>1</sup> According to the EPA, fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies. And, meaningful involvement means people have an opportunity to participate in decisions about activities that may affect their environment and/or health, the public's contribution can influence the regulatory agency's decision, community concerns will be considered in the decision-making process, and decision makers will seek out and facilitate the involvement of those potentially affected.

The California Environmental Protection Agency has defined "environmental justice" in terms of its principles: "The principles of environmental justice call for fairness, regardless of race, color, national origin, or income, in the development of laws and regulations that may affect every community's natural surroundings, and the places people live, work, play, and learn."<sup>2</sup> California has codified environmental justice in statute: California Government Code section 65040.12.

The concepts and the tenets of environmental justice have been considered by the City and its staff as several major strategic planning initiatives have progressed toward implementation including the Chinatown Revitalization Plan, the Economic Development Elements, the Downtown Vibrancy Plan, and the Alisal Vibrancy Plan. The concept has perhaps most-often been raised in discussions regarding the Alisal Vibrancy Plan and the location of the Sun Street Transfer Station and its proximity to businesses and homes in the Alisal Community. Specifically, some have questioned whether the presence and the continued operation of the transfer station in the Alisal Community (traditionally considered by some to be economically and politically disadvantaged) imposes an environmental injustice on the residents and the businesses in that community.

#### CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

#### STRATEGIC PLAN INITIATIVE:

Approving the proposed Resolution is consistent with the City Council's goals of an effective and efficient government and safe, livable community.

#### FISCAL AND SUSTAINABILITY IMPACT:

No impact to the City's General Fund is anticipated with the recommended actions.

#### ATTACHMENTS:

Resolution

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<sup>1</sup> "Environmental Justice," EPA, accessed November 8, 2017: <https://www.epa.gov/environmentaljustice>

<sup>2</sup> "What is Environmental Justice," accessed November 8, 2017: <https://calepa.ca.gov/envjustice/>

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION IN SUPPORT OF ENVIRONMENTAL JUSTICE**

**WHEREAS**, the United States Environmental Protection Agency (EPA) has defined “environmental justice” as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies; and

**WHEREAS**, the California Environmental Protection Agency has defined “environmental justice” in terms of its principles: “The principles of environmental justice call for fairness, regardless of race, color, national origin, or income, in the development of laws and regulations that may affect every community’s natural surroundings, and the places people live, work, play, and learn.

**WHEREAS**, the concepts and the tenets of environmental justice have been considered by the City and its staff as several major strategic planning initiatives have progressed toward implementation including the Chinatown Revitalization Plan, the Economic Development Elements, the Downtown Vibrancy Plan, and the Alisal Vibrancy Plan; and

**WHEREAS**, the Salinas City Council desires that no person or group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies; and

**WHEREAS**, the Salinas City Council strives to ensure all people are afforded meaningful involvement in the City’s decisions that may affect their environment and/or health and to ensure that community concerns will be considered in the City’s decision-making processes and to ensure that the City will seek out and facilitate the involvement of those potentially affected.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF SALINAS that the City of Salinas affirms its commitment to the promotion of environmental justice in Salinas.

PASSED AND APPROVED this 28<sup>th</sup> day of November, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk