

IMPACT STATEMENT

Legislation title: Authorize City Attorney to appeal final opinion and order in Columbia Pacific Building Trades v. City of Portland, Land Use Board of Appeals No. 2017-001

Contact name: Linly Rees/Lauren King

Contact phone: 34047

Presenter name: Linly Rees/Lauren King

Purpose of proposed legislation and background information:

Resolution authorizes City Attorney to initiate appeal of ruling by Land Use Board of Appeals holding that City's Fossil Fuels ordinance was constitutionally invalid, together with certain evidentiary and findings issues. The Board's interpretation of the Commerce Clause of the federal Constitution could have potentially significant impacts on the City's authority to regulate local commercial operations. Pursuing this appeal would otherwise be consistent with City's sustainability objectives.

Financial and budgetary impacts:

Pursuing this appeal would have no immediate financial or budgetary impacts. The legal work will be performed by lawyers and support staff within the City Attorney's Office, using budgeted staff and resources.

Community impacts and community involvement:

This is a matter involving the City's legal authority. Significant public input was obtained in Council's consideration of the Fossil Fuel ordinance. Pursuing an appeal is not a subject of public involvement, but is a matter for the Council's consideration under Portland City Code 3.10.030.G. Time is of the essence in the Council's consideration of whether to pursue judicial review. The Board emailed its decision to the parties on Wednesday, July 19th. Appeals of LUBA decisions are initiated by filing a petition in the Court of Appeals within 21 days following the date the Board delivered the order. ORS 197.850(3)(a).

Budgetary Impact Worksheet**Does this action change appropriations?**☐ **YES:** Please complete the information below.☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount