

## RESOLUTION No. 37167

Authorize City Attorney to participate in legal proceedings with states and local governments nationwide to oppose efforts to vacate the proposed federal Clean Power Plan. (Resolution)

WHEREAS, the United States Environmental Protection Agency has promulgated regulations designed to reduce carbon pollution from power plants while developing innovative, sustainable future power sources (the "Clean Power Plan"); and

WHEREAS, a number parties, including carbon-generating industrial concerns and coal-producing states, have initiated litigation in opposition to the federal Clean Power Plan; and

WHEREAS, interested states and local governments have organized to support the United States Environmental Protection Agency in defending the Clean Power Plan by either intervening as parties to the litigation or by filing for amicus curiae status to advise the Court of participants' positions on the Clean Power Plan and the litigation; and

WHEREAS, scientific evidence is increasingly clear that human activities are the primary cause of the accelerating changes to the global climate; and

WHEREAS, climate change poses a significant threat to Oregon's environment and will impact human health and wildlife; and

WHEREAS, climate change will impact City infrastructure and our built environment because hotter, drier summers will increase wastewater temperatures and cause water quality changes; warmer winters with more intense precipitation events will increase erosion and the potential for turbidity events in the Bull Run water supply system; increase the chance of landslides that destroy or damage transportation and pipe infrastructure; increase bridge scour and damage to docks, boat ramps, and floats; increase flooding of roads, sidewalks, bikeways, and trails and green infrastructure; and increase pumping of treated wastewater; and

WHEREAS, the impacts of climate change will create new costs for families, businesses, and governments due to additional cost burdens in several sectors, including power generation, agriculture, forestry, salmon recovery, snow-based recreation, coastal tourism and infrastructure, and public health; and

WHEREAS, the Intergovernmental Panel on Climate Change, the world's leading international body for the assessment of climate change, estimates that to avoid catastrophic disruption from climate change requires limiting global warming to 2° Celsius above pre-industrial levels; and to maintain this limit, humans can only pour about 565 more gigatons of carbon dioxide into the atmosphere; and

WHEREAS, at the current rate of fossil fuel burning, humans will surpass 565 gigatons of carbon dioxide emissions in about 15 years; and

WHEREAS, given the increasingly catastrophic impacts of burning fossil fuels outlined above, there is a growing domestic and international move toward regulating and reducing carbon emissions; and

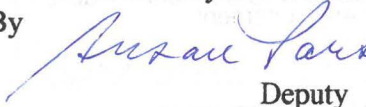
WHEREAS, climate change is a critical environmental justice issues because the impacts of climate change will disproportionately impact already vulnerable populations, including communities of color, older adults, children, and low-income individuals and families; and

WHEREAS, the City has determined that it is in the best interests of the City to appear in the Clean Power Plan litigation as an amicus curiae in support of the United States Environmental Protection Agency's regulations and in opposition to the efforts to vacate the regulations;

NOW, THEREFORE, BE IT RESOLVED, that the City Attorney is hereby authorized to join legal proceedings in the United States District Court for the District of Columbia as an amicus curiae in support of the United States Environmental Protection Agency in defending the Clean Power Plan against challenges to vacate the regulations.

Adopted by the Council: NOV 12 2015

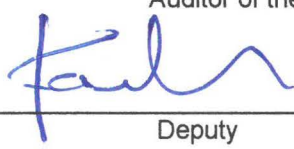
Commissioner: Mayor Charlie Hales  
Prepared by: Karen L. Moynahan  
Date Prepared: October 22, 2015

Mary Hull Caballero  
Auditor of the City of Portland  
By   
Deputy

Agenda No.  
**RESOLUTION NO.**  
 Title

**37167**

\*Authorize City Attorney to participate in legal proceedings with states and local governments nationwide to oppose efforts to vacate the proposed federal Clean Power Plan. (Resolution)

INTRODUCED BY Commissioner/Auditor: <b>Mayor Charlie Hales</b>	CLERK USE: DATE FILED <u>NOV 03 2015</u>
<b>COMMISSIONER APPROVAL</b> Mayor— <u>Charlie Hales</u> Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <u></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: City Attorney Bureau Head: Tracy Reeve <u>TR</u>	<b>ACTION TAKEN:</b>
Prepared by: Karen L. Moynahan <u>KLM</u> Date Prepared: 10/22/15	
Financial Impact Statement & Public Involvement Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan <u>Benjamin Walters</u>	
Council Meeting Date <b>Nov 11, 2015</b>	

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/> <u>Pulled</u>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<u>          </u>	<u>          </u>
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	<u>          </u>	<u>          </u>
Hales	Hales	✓	