THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: January 14, 2020

Subject: City of Asheville's participation in the Local Government Climate Litigation Amicus Brief

Staff Resource(s): Amber Weaver, Sustainability Officer, Office of Sustainability

Action Requested: Support of the City of Asheville's participation in the Local Government Climate Litigation Amicus Brief Project.

Background:

- The Sabin Center for Climate Law at Columbia Law School is seeking local government participation in its amicus, or "friend of the court", climate litigation project to challenge recent rollbacks by the Trump Administration of national climate protections that help safeguard municipalities from some of the worst impacts of climate change.
- This summer, the Administration finalized a rollback of the Clean Power Plan, America's first-ever national standards to reduce climate pollution from the power sector. The Administration's new plan, the "ACE" rule, sets no limits on climate pollution from the power sector and in fact is expected to increase pollution in numerous states.
- The Administration has also introduced the Safer Affordable Fuel-Efficiency (SAFE) Vehicles Rule which would result in a rollback of federal and state Clean Car Standards and lead to a significant increase in climate pollution.
- According to the Sabin Center, local governments can make a major contribution to pushing back against these rollbacks by participating as amici, friend of the court, in upcoming litigation challenges to these new laws.
- Participation will give the City an opportunity to review and comment on briefs written by the Sabin Center and also to provide information on how greenhouse gas reduction and renewable energy goals adopted by City Council are in direct conflict with, and would be negatively impacted by the new laws.
- Participation in the Amicus Brief Project has been discussed with staff from the Legal Department and they have indicated they will have the ability to assist the Sustainability Department in the review and comment on the briefs.

Council Goal(s):

- Equitable and Diverse Community
- A Clean and Healthy Environment

Committee(s):

- Sustainability Advisory Committee on Energy and the Environment unanimously passed support of City Council supporting the City of Asheville's participation in the Local Government Climate Litigation Amicus Project at their November 2019 meeting.

Pro(s):

- Supports Resolution 11-77 Establishing a Carbon Footprint Reduction Goal
- Supports Resolution 13-222 Clean Energy Economy
- Supports Resolution 17-119 Reaffirming City's Commitment to Paris Climate Agreement
- Supports Resolution 17-104 Encouraging a State Goal of 100% Renewable Energy by 2050
- Supports Resolution 18-279 Establishing a 100% Renewable Energy Goal for the City of Asheville

Con(s):

- None

Fiscal Impact:

- None

Suggested Motion:

- Motion to adopt a resolution supporting the City of Asheville's participation in the Local Government Climate Litigation Amicus Brief

Attachment(s)

- Resolution
- Fact Sheet: Local Government Climate Litigation Amicus Project

RESOLUTION NO. 20-____

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE'S PARTICIPATION IN THE LOCAL GOVERNMENT CLIMATE LITIGATION AMICUS BRIEF PROJECT

WHEREAS, the City of Asheville adopted a resolution to increase Municipal Carbon Footprint reduction goal to 4% annually on April 12, 2011; and

WHEREAS, the City of Asheville adopted a resolution supporting a Clean Energy Economy on October 22, 2013; and

WHEREAS, the City of Asheville adopted a resolution re-affirming the City's commitment to reducing climate pollution in alignment with Council's vision, and continued support of the principles of the Pair Agreement and the participation of the U.S.A. as a party to the Paris Agreement on June 13, 2017; and

WHEREAS, the City of Asheville adopted a resolution establishing a 100% Renewable Energy Goal for municipal operations and support Buncombe County's 100% Renewable Energy Community-wide Goal; and

WHEREAS, Asheville has lowered its energy demand and reduced its carbon emissions by 31% since 2008, is already known as Climate City, and is on its way to being a leader in energy conservation, which is the first step in achieving a goal of transitioning to 100% renewable energy ; and

WHEREAS, the Sabin Center for Climate Law at Columbia Law School is seeking local government participation in its amicus, or "friend of the court", climate litigation project to challenge recent rollbacks by the Trump Administration of national climate protections that help safeguard municipalities from some of the worst impacts of climate change; and

WHEREAS, this summer, the Trump Administration finalized a rollback of the Clean Power Plan, America's first-ever national standards to reduce climate pollution from the power sector, and under the Administration's new plan, the "ACE" rule, sets no limits on climate pollution from the power sector and in fact is expected to increase pollution in numerous states; and

WHEREAS, the Administration's proposed Safer Affordable Fuel-Efficiency (SAFE) Vehicles Rule would result in a rollback of federal and state clean car standards and lead to a significant increase in climate pollution; and

WHEREAS, According to the Sabin Center, local governments can make a major contribution to pushing back against these rollbacks by participating as amici in upcoming litigation challenges to these new laws; and

WHEREAS, Participation will give the City an opportunity to review and comment on briefs written by the Sabin Center and also to provide information on how greenhouse gas reduction and renewable energy goals adopted by City Council are in direct conflict with, and would be negatively impacted by the new laws;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council supports the City of Asheville's participation in the Local Government Climate Litigation Amicus Brief Project.

Read, approved and adopted this 14th day of January, 2020.

City Clerk Mayor

Approved as to form:

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City Attorney