

RESOLUTION NO. 5644-22

A RESOLUTION AUTHORIZING THE CITY TO JOIN A COALITION OF CITIES CHALLENGING THE STATE'S CLIMATE FRIENDLY AND EQUITABLE COMMUNITIES RULE

WHEREAS, on July 21, 2022 the Land Conservation and Development Commission ("LCDC") adopted amendments to the Oregon Administrative Rules Chapter 660, divisions 8, 12 and 44, commonly referred to as the Climate Friendly and Equitable Communities Rules ("Rules"), which impose mandates upon the City that will result in millions of dollars of unfunded work; and

WHEREAS, the Rules were adopted to implement the Governor's Executive Order 20-04 and were intended to address issues of climate change and equity, but LCDC's rulemaking process has failed to reach its objectives, and the Rules, as adopted, will adversely affect communities and fail to promote true equity; and

WHEREAS, the Rules are too prescriptive, conflict with other rules and do not provide flexibility to address the unique aspects of a particular project; and;

WHEREAS, the City believes that additional time is needed to resolve the shortcomings in the rules in order to achieve the goals of Executive Order 20-04; and

WHEREAS, the City is committed towards implementing measures – including its forthcoming Climate Action Plan and Equitable Housing Strategic Financial Plan - that will not only promote but also directly address climate change and equity issues; and

WHEREAS, a coalition of local governments is being formed to challenge the Rules through the use of a common attorney as any challenge to the Rules presents legal and factual issues that are common to all local governments; and

WHEREAS, the City finds that it has a mutual joint interest in seeking joint legal review of the Rules with other local governments; and

WHEREAS, an Intergovernmental Agreement is being finalized to permit the coalition of local governments to jointly challenge the Rules and coordinate public communications strategies related to the litigation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council hereby authorizes the City Manager to take any and all steps necessary to join the coalition of cities challenging the Rules, including but not limited to executing an Intergovernmental Agreement for this purpose subject to City Attorney approval.

Section 2. This resolution is effective upon adoption.

INTRODUCED and ADOPTED by the City Council this ___ day of _____, 2022.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder