

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING AND DIRECTING THE TOWN TO JOIN IN THE FILING OF AN AMICUS BRIEF TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT OPPOSING THE ENVIRONMENTAL PROTECTION AGENCY'S AFFORDABLE CLEAN ENERGY RULE; URGING LOCAL GOVERNMENT SUPPORT OF THE BRIEF; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the "Town") Town Council (the "Council") recognizes that greenhouse gas emissions from human activity have been proven by the best science to be heating the oceans and atmosphere, accelerating sea level rise, and acidifying the planet's oceans; and

WHEREAS, all of South Florida, including the Town, is threatened existentially by sea level rise induced by global warming; and

WHEREAS, on June 19, 2019, President Donald Trump and the Environmental Protection Agency (EPA) repealed the Clean Power Plan (CPP) and announced the final federal Affordable Clean Energy (ACE) rule – <https://www.federalregister.gov/documents/2019/07/08/2019-13507/repeal-of-the-clean-power-plan-emission-guidelines-for-greenhouse-gas-emissions-from-existing>; and

WHEREAS, the adoption of the ACE rule rolled back the progressive standards established under the CPP and weakened limits on emissions from the power sector; and

WHEREAS, the Town Council opposes the reductions in clean energy standards; and

WHEREAS, the Columbia University Sabin Center for Climate Change Law (the "Sabin Center") is preparing to file an amicus brief in Case No. 19-1165 filed in the United States Court of Appeals for the District of Columbia Circuit, opposing the ACE rule; and

WHEREAS, the Town hereby authorizes the Town Manager to join the amicus brief opposing the ACE rule; and

WHEREAS, the Town encourages other local governments to join in the filing of the brief; and

WHEREAS, the Town finds that this Resolution will promote the health, safety and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Authorization. The Town Council hereby authorizes the Town to join in the filing of the brief by the Sabin Center opposing the adoption of the ACE rule. The Town Manager is authorized to take all actions necessary to implement the intent and purpose of this Resolution.

Section 3. Urging Local Government Support of Brief. The Town Council invites and urges other local governments to join the amicus brief.

Section 4. Transmittal. The Town Council hereby directs the Town Clerk to transmit a copy of this Resolution to EPA Administrator Andrew Wheeler, and individually to all United States and Florida State Legislators representing the Town, to the Miami-Dade County Mayor, to members of the Miami-Dade County Commission, and to all cities in Miami-Dade County.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of February, 2020.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert “BJ” Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____