



Legislation Details (With Text)

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Title: Resolution to Direct the City Attorney to Provide a Public Legal Opinion Regarding the Recent Ninth Circuit Decision in California Restaurant Ass'n v. City of Berkeley, dated April 17, 2023

Sponsors:

Indexes:

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Attachments:

| Date | Ver. | Action By | Action | Result |
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| 5/1/2023 | 2 | City Council | Approved | Pass |

Resolution to Direct the City Attorney to Provide a Public Legal Opinion Regarding the Recent Ninth Circuit Decision in *California Restaurant Ass'n v. City of Berkeley*, dated April 17, 2023

Whereas, The City of Ann Arbor has a goal of achieving carbon neutrality by the year 2030 (“A²Zero goals”);

Whereas, Advisory Commissions to City Council, such as the Energy Commission, Renters Commission and the Environmental Commission, have passed or are considering Resolutions requesting Council to investigate achieving A²Zero goals through a zoning ordinance that imposes restrictions on fossil gas connections in new developments or major remodels;

Whereas, City Council approved Resolution R-23-101 directing the City Administrator to negotiate a new or amended gas franchise that to the fullest extent possible is aligned with the City’s A²Zero goals;

Whereas, City Council is currently prioritizing negotiations of the City’s gas franchise in order to reduce fossil gas consumption and achieve the City’s A²Zero goals;

Whereas, On April 17, 2023 the Ninth Circuit issued an opinion that is pertinent to whether the City of Ann Arbor should pursue a ban on gas connections in new developments/major remodels at this time; and

Whereas, It is in the public’s interest to obtain a public legal opinion regarding the Ninth Circuit’s decision;

RESOLVED, That as soon as possible the City Attorney provide a public legal opinion regarding the Ninth Circuit decision in *California Restaurant Ass'n v. City of Berkeley*, dated April 17, 2023.

