



Legislation Details (With Text)

**File #:** 23-0772      **Version:** 2      **Name:** 5/1/23 - Legal Opinion  
**Type:** Resolution      **Status:** Passed  
**File created:** 5/1/2023      **In control:** City Council  
**On agenda:** 5/1/2023      **Final action:** 5/1/2023  
**Enactment date:** 5/1/2023      **Enactment #:** R-23-148

**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:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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 (“A<sup>2</sup>Zero 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 A<sup>2</sup>Zero 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 A<sup>2</sup>Zero 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 A<sup>2</sup>Zero 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.

