

**RESOLUTION NO. 2008-427**

Adopted by the Sacramento City Council

June 17, 2008

**AUTHORIZATION TO JOIN NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES' AMICUS CURIAE BRIEF IN SUPPORT OF STATE OF CALIFORNIA'S PETITION IN STATE OF CALIFORNIA ET AL. V. U.S. ENVIRONMENTAL PROTECTION AGENCY ET AL.**

**BACKGROUND**

- A. The State of California is seeking judicial review of the United States Environmental Protection Agency's (EPA) denial of California's request, under section 209(b) of the federal Clean Air Act, for a waiver of preemption for California's regulations to control greenhouse gas emissions from new motor vehicles.
- B. The Court of Appeals' decision has the potential to affect the ability of the State of California to regulate automobile tailpipe emissions. A decision against the State could adversely impact the air quality of Sacramento.
- C. The National Association of Clean Air Agencies is filing an amicus curiae brief in support of the State of California. New York City and King County, Washington, intend on joining NACAA's brief.
- D. The City Attorney has been requested to seek amicus curiae participation in support of the State of California.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. The City Attorney is authorized to take all steps necessary to join the amicus curiae brief of the National Association of Clean Air Agencies in *State of California et al. v. U.S. Environmental Protection Agency et al.* (United States Court of Appeal for the Ninth Circuit, Case No. 08-70011).

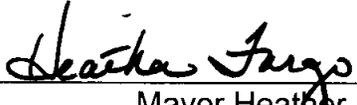
Adopted by the City of Sacramento City Council on June 17, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

  
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Mayor Heather Fargo

Attest:

  
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Shirley Concolino, City Clerk

