

MIAMIBEACH

City Commission Meeting SUPPLEMENTAL MATERIAL 3

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 10, 2016

Mayor Philip Levine
Commissioner John Elizabeth Alemán
Commissioner Ricky Arriola
Commissioner Kristen Rosen Gonzalez
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg

City Manager Jimmy L. Morales
City Attorney Raul J. Aguila
City Clerk Rafael E. Granada

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL AGENDA

R9 - New Business and Commission Requests

- R9Q Consideration Of Straw Ballot On Whether Or Not To Retain City Of Miami Beach Red Light Camera Program.
(Sponsored by Commissioner Kristen Rosen Gonzalez)
(Additional Information)
- R9S Discussion Regarding The City Signing On To An Amicus Brief In Support Of The United States Environmental Protection Agency's (EPA) Clean Power Plan Rule.
(Sponsored by Mayor Philip Levine)
(Legislative Tracking: Office of the City Attorney)
(Memorandum)

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Cardillo, Lilia

From: Morales, Jimmy
Sent: Tuesday, February 09, 2016 2:25 PM
To: Granado, Rafael; Cardillo, Lilia
Cc: Aguila, Raul
Subject: FW: Red Light Camera Memo from April 2015 FCWPC & Accident Data
Attachments: Copy of Red Light Camera Intersections 2005-2015.2.xlsx; FCWCP Red Light Camera Memo.docx.doc

Ralph,

Can you include this email and the two attachments as a supplement to item R9Q? Thanks

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Jimmy Morales

City Manager

OFFICE OF THE CITY MANAGER

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7010 / Fax: 305-673-7782 / <http://www.miamibeachfl.gov>

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Oates, Daniel J.
Sent: Tuesday, February 09, 2016 12:52 PM
To: Morales, Jimmy
Cc: Robinson, Ian; Chong, Hyok; Rodriguez, Joaquin; Salabarría, Jessica; Causey, Mark; Clements, Rick; Hill, Laretta; Reeder, Tricia; Rich-Goldschmidt, Wendy
Subject: FW: Red Light Camera Memo from April 2015 FCWPC & Accident Data

Jimmy,

In anticipation of tomorrow's Commission discussion of Item R9Q, "Consideration of Straw Ballot on Whether or Not to Retain City of Miami Beach Red Light Camera Program," you may wish to share with Mayor and Commission the very latest accident data, complete for 2015 and going back to 2005, for the Photo Red Light intersections in the city. This topic was fully presented to the Commission last May, and the data for the remainder of 2015 is consistent with the trend we reported then -- that total accidents, and accidents with injuries, are generally down at these intersections since the inception of the program. As pointed out in our May discussion, the one location with aberrant data is 17th Street and Alton Road, and this reflects the 18 months or so of construction activity at that location in 2014 and 2015.

I have also attached a memorandum from the May 2015 Commission meeting that summarizes the history of the program and includes additional insight.

Dan

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Daniel J. Oates, Chief of Police

MIAMI BEACH POLICE DEPARTMENT

1100 Washington Avenue, Miami Beach, FL 33139

Tel: 305.673.7925 | www.miamibeachfl.gov

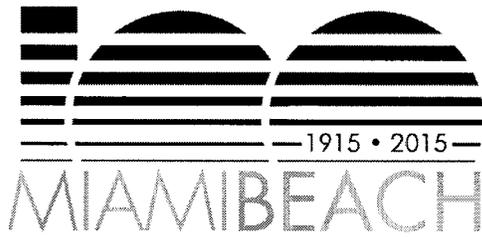
Intersections	Category	Before Red Light Program					After Red Light Program					
		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
17th St and Washington Ave												
(Eastbound and Southbound)												
	Total Crashes	13	6	8	12	13	12	9	5	6	8	0
	Injuries	2	0	3	1	3	2	3	0	2	2	0
	Angle	7	4	2	9	6	5	4	3	2	4	0
	Rear End	2	0	0	1	0	3	0	1	1	1	0
	Side Swipe	3	0	3	1	3	1	0	1	0	1	0
	Head-on	0	2	0	0	2	0	1	0	1	0	0
	Single Vehicle	1	0	0	0	0	0	0	0	0	0	0
	Pedestrian	0	0	0	0	0	1	1	0	2	0	0
	Motorcycle	0	0	2	1	1	2	2	0	0	1	0
	Bicycle	0	0	1	0	1	0	1	0	0	1	0
17th St and Alton Rd												
(Westbound)												
	Total Crashes	12	14	13	15	13	6	14	6	11	*27	15
	Injuries	2	2	2	4	4	0	2	1	1	0	1
	Angle	4	5	7	4	4	5	4	6	2	*10	4
	Rear End	1	2	3	4	6	0	0	0	2	1	1
*Increased due to Alton Road	Side Swipe	5	5	3	4	1	1	6	0	5	*16	9
construction project	Head-on	0	0	0	0	0	0	0	0	1	0	0
	Single Vehicle	1	1	0	0	0	0	0	0	0	0	0
	Pedestrian	1	1	0	2	0	0	1	0	0	0	1
	Motorcycle	0	0	0	0	1	0	0	0	0	0	0
	Bicycle	0	0	0	1	1	0	3	0	1	0	0
Dade Blvd and Washington Ave												
(Eastbound)												
	Total Crashes	13	8	7	1	2	5	4	1	4	7	7
	Injuries	2	1	1	0	0	0	0	0	1	1	0
	Angle	7	4	5	0	0	2	2	0	2	2	3
	Rear End	2	1	2	0	0	1	1	0	0	0	1
	Side Swipe	2	2	0	1	2	1	1	1	1	2	3
	Head-on	1	1	0	0	0	0	0	0	0	3	0
	Single Vehicle	1	0	0	0	0	0	0	0	0	0	0
	Pedestrian	0	0	0	0	0	0	0	0	0	0	0
	Motorcycle	0	0	0	0	0	0	0	0	1	0	0
	Bicycle	0	0	0	0	0	1	0	0	0	0	0
23rd St and Dade Blvd												
(Westbound)												
	Total Crashes	3	3	3	2	3	4	0	0	1	4	4
	Injuries	0	0	1	0	1	0	0	0	0	0	0
	Angle	2	1	0	0	0	1	0	0	0	1	1
	Rear End	0	0	1	1	0	3	0	0	0	0	0
	Side Swipe	1	2	1	1	2	0	0	0	1	3	3
	Head-on	0	0	0	0	0	0	0	0	1	0	0
	Single Vehicle	0	0	0	0	0	0	0	0	0	0	0
	Pedestrian	0	0	0	0	1	0	0	0	0	0	0
	Motorcycle	0	0	1	0	0	0	0	0	0	0	0
	Bicycle	0	0	0	0	0	0	0	0	0	0	0
41st St and Prairie Ave												
(Northbound)												
	Total Crashes	3	4	7	3	3	3	4	2	1	3	0
	Injuries	1	2	1	0	0	1	0	0	0	0	0
	Angle	1	3	2	1	0	1	0	2	1	2	0
	Rear End	1	1	4	2	3	1	2	0	0	0	0
	Side Swipe	1	0	1	0	0	0	0	0	0	0	0
	Head-on	0	0	0	0	0	0	1	0	0	0	0
	Single Vehicle	0	0	0	0	0	0	1	0	0	0	0
	Pedestrian	0	0	0	0	0	1	0	0	0	1	0
	Motorcycle	0	0	0	0	0	0	0	0	0	0	0
	Bicycle	0	0	0	0	0	0	0	0	0	0	0
Chase Ave and Alton Rd												
(Northbound)												
	Total Crashes	2	1	4	1	5	5	4	1	1	1	2
	Injuries	1	0	0	0	0	2	2	1	0	0	0
	Angle	0	0	2	1	3	4	1	1	1	0	0
	Rear End	0	1	2	0	2	0	3	0	0	0	2
	Side Swipe	2	0	0	0	0	0	0	0	0	1	0
	Head-on	0	0	0	0	0	0	0	0	0	0	0
	Single Vehicle	0	0	0	0	0	0	0	0	0	0	0
	Pedestrian	0	0	0	0	0	0	0	0	0	0	0
	Motorcycle	0	0	0	0	0	1	0	0	0	0	0

	Bicycle	0	0	0	0	0	0	0	0	0	0	0
63rd St and Indian Creek												
(Southbound)												
	Total Crashes	22	13	12	5	7	6	8	2	1	7	3
	Injuries	4	2	1	1	1	0	2	1	0	1	0
	Angle	6	11	8	3	4	2	2	2	0	2	0
	Rear End	1	0	2	0	1	1	3	0	1	3	1
	Side Swipe	1	0	2	1	2	3	3	0	0	2	2
	Head-on	2	0	0	0	0	0	0	0	0	0	0
	Single Vehicle	12	2	0	1	0	0	0	0	0	0	0
	Pedestrian	0	0	0	0	0	0	0	0	0	0	0
	Motorcycle	0	0	0	0	0	0	0	0	0	0	0
	Bicycle	0	0	0	0	0	0	0	0	0	0	0
Abbott Ave and Indian Creek												
(Southbound)												
	Total Crashes	5	3	1	5	5	2	1	0	1	5	1
	Injuries	0	0	0	0	0	0	1	0	0	1	0
	Angle	3	0	1	2	1	1	0	0	0	2	1
	Rear End	1	1	0	2	1	0	0	0	0	1	0
	Side Swipe	0	2	0	1	1	1	0	0	1	2	0
	Head-on	1	0	0	0	0	0	1	0	0	0	0
	Single Vehicle	0	0	0	0	1	0	0	0	0	0	0
	Pedestrian	0	0	0	0	0	0	0	0	0	0	0
	Motorcycle	0	0	0	0	1	0	0	0	0	0	0
	Bicycle	0	0	0	0	0	0	0	0	0	0	0
71st St and Indian Creek												
(Northbound)												
	Total Crashes	4	8	10	4	11	5	4	4	3	7	3
	Injuries	0	2	3	1	1	1	1	1	1	1	1
	Angle	3	2	4	1	3	3	2	4	2	5	1
	Rear End	0	3	3	0	4	2	1	0	1	1	0
	Side Swipe	0	1	2	2	2	0	0	0	0	1	1
	Head-on	1	1	0	1	1	0	0	0	0	0	0
	Single Vehicle	0	0	1	0	0	0	0	0	0	0	0
	Pedestrian	0	1	0	0	0	0	0	0	0	0	1
	Motorcycle	0	0	0	0	0	0	0	0	0	0	0
	Bicycle	0	0	0	0	1	0	1	0	0	0	0

Intersection	2005-2010	2011-2014	Column4
17th St and Washington Ave			
Total Crash Average	10	7	3
Total Injury Average	1.8	1.75	0.05
17th St and Alton Rd			
Total Crash Average	12	14.5	-2.5
Total Injury Average	2.3	1	1.3
Dade Blvd and Washington Ave			
Total Crash Average	6	4	2
Total Injury Average	0.66	0.5	0.16
23rd St and Dade Blvd			
Total Crash Average	3	1.25	1.75
Total Injury Average	1	0	1
41st Street and Prairie			
Total Crash Average	3.83	2.5	1.33
Total Injury Average	0.83	0	0.83
Chase Ave and Alton Rd			
Total Crash Average	3	1.75	1.25
Total Injury Average	0.5	0.75	-0.25
63rd and Indian Creek			
Total Crash Average	10.83	4.5	6.33
Total Injury Average	0	1	-1
Abbott Ave and Indian Creek			
Total Crash Average	3.5	1.75	1.75
Total Injury Average	1.33	1	0.33
71st Street and Indian Creek			
Total Crash Average	7	4.5	2.5
Total Injury Average	1.33	1	0.33

Intersections	2005-2010	2011-2014	
17th St and Washington Ave			
Total Crash Average	10	7	3
Total Injury Average	1.8	1.75	0.05
17th St and Alton Rd			
Total Crash Average	12	14.5	-2.5
Total Injury Average	2.3	1	1.3
Dade Blvd and Washington Ave			
Total Crash Average	6	4	2
Total Injury Average	0.66	0.5	0.16
23rd St and Dade Blvd			
Total Crash Average	3	1.25	1.75
Total Injury Average	1	0	1
41st Street and Prairie			
Total Crash Average	3.83	2.5	1.33
Total Injury Average	0.83	0	0.83
Chase Ave and Alton Rd			
Total Crash Average	3	1.75	1.25
Total Injury Average	0.5	0.75	-0.25
63rd and Indian Creek			
Total Crash Average	10.83	4.5	6.33
Total Injury Average	0	1	-1
Abbott Ave and Indian Creek			
Total Crash Average	3.5	1.75	1.75
Total Injury Average	1.33	1	0.33

Intersection	2005-2010	2011-2014
17th St and Washington Ave		
Total Crash Average	10	7
Total Injury Average	1.8	1.75
17th St and Alton Rd		
Total Crash Average	12	14.5
Total Injury Average	2.3	1
Dade Blvd and Washington Ave		
Total Crash Average	6	4
Total Injury Average	0.66	0.5
23rd St and Dade Blvd		
Total Crash Average	3	1.25
Total Injury Average	1	0
41st Street and Prairie		
Total Crash Average	3.83	2.5
Total Injury Average	0.83	0
Chase Ave and Alton Rd		
Total Crash Average	3	1.75
Total Injury Average	0.5	0.75
63rd and Indian Creek		
Total Crash Average	10.83	4.5
Total Injury Average	0	1
Abbott Ave and Indian Creek		
Total Crash Average	3.5	1.75
Total Injury Average	1.33	1
71st Street and Indian Creek		
Total Crash Average	7	4.5
Total Injury Average	1.33	1



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMITTEE MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: April 8, 2015

SUBJECT: **Discussion regarding the City's agreement with Xerox State and Local Solutions, Inc. for the Photo Red Light Enforcement (PRL) Program**

Background:

In April 2010, the City of Miami Beach entered into a contract with Xerox State and Local Solutions, Inc. to begin a photo red light (PRL) ticket enforcement program. A total of 10 cameras were located throughout the City, from 17th Street in the South to 71st Street and Indian Creek in the North. While some cameras were installed in 2010, the program only became fully operational at 9 inter-sections in 2011.

The intent of the PRL program is to improve public safety by reducing motor vehicle crashes at traffic signal intersections by holding red-light offenders accountable for their violations. The Miami Beach Police Department currently manages the program and monitors 10 cameras in 9 different intersections throughout the city. The City of Miami Beach's contract with Xerox is set to expire in May 2015. The Commission must make a policy decision whether to renew or modify the agreement

Analysis:

In order to inform the Commission's decision on whether to renew the contract, a multi-year break down for traffic crash data is illustrated. Additional detail regarding types of crashes and violations is also provided.

Traffic Crashes with Injuries, by calendar year at PRL Intersections

Cameras implemented mid-year 2010, 2011 first full year of RLC data

Intersections	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
17 th / Washington Ave	13 Crash 2 Inj	6 Crash 0 Inj	8 Crash 3 Inj	12 Crash 1 Inj	13 Crash 3 Inj	12 Crash 2 Inj	9 Crash 3 Inj	5 Crash 0 Inj	6 Crash 2 Inj	8 Crash 2 Inj
17 th / Alton Rd	12 Crash 2 Inj	14 Crash 2 Inj	13 Crash 2 Inj	15 Crash 4 Inj	13 Crash 4 Inj	6 Crash 0 Inj	14 Crash 2 Inj	6 Crash 1 Inj	11 Crash 1 Inj	27 Crash 0 Inj
Dade Blvd/ Washington Ave	13 Crash 2 Inj	8 Crash 1 Inj	7 Crash 1 Inj	1 Crash 0 Inj	2 Crash 0 Inj	5 Crash 0 Inj	4 Crash 0 Inj	1 Crash 0 Inj	4 Crash 1 Inj	7 Crash 1 Inj
23rd St/ Dade Blvd	3 Crash 0 Inj	3 Crash 0 Inj	3 Crash 1 Inj	2 Crash 0 Inj	3 Crash 1 Inj	4 Crash 0 Inj	0 Crash 0 Inj	0 Crash 0 Inj	1 Crash 0 Inj	4 Crash 0 Inj
41st St/ Prairie Ave	3 Crash 1 Inj	4 Crash 2 Inj	7 Crash 1 Inj	3 Crash 0 Inj	3 Crash 0 Inj	3 Crash 1 Inj	4 Crash 0 Inj	2 Crash 0 Inj	1 Crash 0 Inj	3 Crash 0 Inj
Chase/ and Alton Rd	2 Crash 1 Inj	1 Crash 0 Inj	4 Crash 0 Inj	1 Crash 0 Inj	5 Crash 0 Inj	5 Crash 2 Inj	4 Crash 2 Inj	1 Crash 1 Inj	1 Crash 0 Inj	1 Crash 0 Inj
63rd Street/ Indian Creek	22 Crash 4 Inj	13 Crash 2 Inj	12 Crash 1 Inj	5 Crash 1 Inj	7 Crash 1 Inj	6 Crash 0 Inj	8 Crash 2 Inj	2 Crash 1 Inj	1 Crash 0 Inj	7 Crash 1 Inj
Abbott Ave/Indian Creek	5 Crash 0 Inj	3 Crash 0 Inj	1 Crash 0 Inj	5 Crash 0 Inj	5 Crash 0 Inj	2 Crash 0 Inj	1 Crash 1 Inj	0 Crash 0 Inj	1 Crash 0 Inj	5 Crash 1 Inj
71st St and Indian Creek	4 Crash 0 Inj	8 Crash 2 Inj	10 Crash 3 Inj	4 Crash 1 Inj	11 Crash 1 Inj	5 Crash 1 Inj	4 Crash 1 Inj	1 Crash 1 Inj	3 Crash 1 Inj	7 Crash 1 Inj

Year	Total Crashes	Number of Injuries
2005:	77	12
2006:	60	9
2007:	65	12
2008:	48	7
2009:	62	10
2010:	48	6
2011:	48	11
2012:	23	4
2013:	29	5
2014:	69*	6

*Important note: The MBPD believes that the 2013-2014 data is skewed by the extraordinary traffic conditions in South Beach due to road construction during that time, particularly in the West Ave/Alton Road corridor.

When analyzing safety, it is important to also consider the fact that fewer crashes translate to better traffic flow. It is estimated that each traffic crash takes police officers 1.5 hours to respond, investigate and clear the roadway. Fewer traffic crashes mean less frequent lane closures, maximizing unrestricted traffic flow and reallocating police resources to other calls for service. To help illustrate this, the number of traffic crashes, with corresponding collision type and camera location, is attached (see supporting material, 2005-14 data).

FISCAL IMPACT (see supporting material)

Since the program's initial investment, revenue has surpassed expenditures. Until this analysis, however, *all staff salaries* specifically dedicated to the operation of this program was not included as expenditures. The "True Cost" column factors in all salaries/benefits under the current operation of the PRL program. With this correction, a surplus of \$189,000 is projected for FY 15/16.

The Miami Beach Police Department has also discussed expanding the program by adding five additional cameras. These would be strategically placed throughout the city at key intersections. The new cameras, along with a recommended relocation of an existing camera, will encompass upgraded technology that will enhance picture quality. It is estimated that if these additional cameras are added, the surplus above expenses for the PRL program would move from \$189,000 to \$355,000 annually.

Revenue on top, Expenditures below (see supporting material for details)

2012 Actual	2013 Actuals	2014 Actuals	FY14/15 Adopted Budget	Actual as of 02/27/15	2014 Dept. Projections	FY15/16 Budget Request	True Cost	Projections based on the addition of 5 new cameras
-	-	-	108,000	-	-	-	-	-
249,398	299,089	983,381	720,000	258,948	906,785	779,000	779,000	1,168,500
-	-	-	-	-	-	-	-	-
75	-	-	5,000	2,175	5,000	5,000	5,000	7,500
(257)	(50)	259	35,000	7,644	16,602	35,000	35,000	52,500
-	-	-	-	-	-	-	-	-
41,300	26,253	52,177	28,000	7,197	52,211	53,000	53,000	79,500
290,515	325,293	1,035,816	896,000	275,963	980,598	872,000	872,000	1,308,000

-	-	7,569	43,000	13,549.66	54,013	57,000	-	167,000	167,000
		19		57.52		58			
						8			
								2,000	2,000
			0			15,000		42,000	42,000
-	-	1,290	5,000	3,300.74	11,076	14,000		15,000	15,000
-	-	100	1,000	172.98	703	1,000		3,000	3,000
		1,675							
								10,000	10,000
1,000	1,881	2,774	2,000		10,099.16	3,000		3,000	4,500
21,000	3,386	10,084	14,000	752.22	10,099	15,000		15,000	22,500
	380,000	284,793	426,600	35,550.00	426,600	426,000		426,000	687,000
			405,000	255		341,000			
402,000	290,061	450,112	896,000	53,638	512,657	872,000		683,000	953,000
(11,483)	35,232	53,704		222,326	467,941			183,000	155,000

A breakdown of the data specific to ticket fine amounts, as governed by legislation, is noted below:

- Each ticket cost \$158.00
- State of Florida collects: \$83.00
- City of Miami Beach collects \$75.00

Proposal:

- Increase the number of cameras by five and deploy to the following, high volume traffic crash intersections:
 - Collins Avenue (SR A1A) and 67th Street
 - MacArthur Causeway EB (SR A1A) and Bridge
 - MacArthur Causeway WB (SR A1A) and South Fountain Street
 - Alton Road (SR 907) and Michigan Avenue
 - Washington Avenue and 14th Street
- Move at least one (1) of the current ten (10) cameras that is underperforming to a location(s) where current traffic crash data indicates

they would be better utilized in addressing safety and subsequently, traffic flow.

Request:

The City seeks guidance from the Commission on whether to renew or modify the current contract with Xerox State and Local Solutions, as it is set to expire in May. The City of Miami Beach has several options:

- Renew contract for a defined period of time
- Renew on a month-to-month basis
- Allow an expansion of five additional cameras
- Allow the contract and the PRL program to expire

JLM:DJO:WRG:tr

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MIAMI BEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION MEMORANDUM

To: Mayor Philip Levine
Members of the City Commission **Date:** February 10, 2016

From: Raul J. Aguilá 
City Attorney

Subject: Discussion regarding the City signing on to an amicus brief in support of the U.S. Environmental Protection Agency's ("EPA") Clean Power Plan Rule

On October 23, 2015, the EPA published the Clean Power Plan Rule, which set national standards for carbon dioxide emissions from existing fossil fuel-fired plants. According to the EPA, "[t]hese plants are by far the largest domestic stationary source of emissions of [carbon dioxide], the most prevalent of the group of air pollutant [greenhouse gases] that the EPA has determined endangers public health and welfare through its contribution to climate change." Concurrent with the rule on existing power plants, the EPA also issued a final rule imposing reductions in carbon emissions from new, modified, and reconstructed power plants.

On the same day that the EPA published the Clean Power Plan Rule, 24 states (including Florida) and several energy companies and industry groups sued the EPA in the D.C. Circuit Court of Appeals to challenge the Clean Power Plan Rule. Several parties have intervened in the litigation in support of the EPA, including a coalition of states, led by New York, along with local governments including the Cities of New York, Seattle, and Austin, and non-profit organizations like the American Lung Association, Environmental Defense Fund, National Resources Defense Council, and Sierra Club.

Columbia Law School's Sabin Center for Climate Change Law is drafting an amicus curiae ("friend of the court") brief on behalf of local governments across the country in support of the EPA's Clean Power Plan Rule. See Letter from Michael Burger, attached as Exhibit "A". The amicus brief will allow local governments to state their interest in the EPA's mitigation of greenhouse gas emissions: local governments are confronting firsthand the impacts of climate change on citizens and infrastructure. So far, the U.S. Conference of Mayors, National League of Cities, City of Coral Gables, City of Pinecrest, City of West Palm Beach, and several other local governments across the country have agreed to join in the brief.

In order for the City to join in the local government amicus brief, the Mayor and City Commission may adopt a motion directing the City Attorney's Office to seek to join in the litigation as an amicus curiae. All work associated with the City's participation in this amicus brief will be handled in-house, by Nick Kallergis, Assistant City Attorney.

RA/NK

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December 12, 2015

Attn: Local Government Representatives and Staff

Re: Local Government Participation in the Legal Defense of the Clean Power Plan

Dear Representatives and Staff,

In late October the U.S. Environmental Protection Agency issued the final Clean Power Plan Rule. The legal merits of the rule are being challenged in the D.C. Circuit Court of Appeals. The outcome of this litigation will have serious implications for the mitigation of greenhouse gas (GHG) emissions, and therefore for both domestic and international efforts to combat climate change. As you know, local governments have a tremendous stake in this issue, because they are on the front lines of addressing the impacts of climate change on citizens and infrastructure. A coalition of local governments is forming in order to support the legal defense of the Clean Power Plan. The Sabin Center for Climate Change Law will facilitate these efforts by providing our legal expertise and other services, including taking the lead on authoring a local government amicus brief in support of the Plan.

The attachment to this letter provides a number of bullet points discussing the importance of local government participation in the Clean Power Plan legal defense, and presents the opportunity for local governments to participate in litigation to support the Clean Power Plan by signing on to an amicus brief. We already have a number of national associations and local governments on board, including the US Conference of Mayors; the National League of Cities; Baltimore, MD; Coral Gables, FL; Grand Rapids, MI; Houston, TX; Jersey City, NJ; Miami, FL; Minneapolis, MN; Pinecrest, FL; Pittsburgh, PA; Portland, OR; Providence, RI; Salt Lake City, UT; West Palm Beach, FL; and Boulder County, CO. I encourage you to consider this opportunity, and to contact me for additional information or to join in the local government defense of the Clean Power Plan.

Sincerely,

Michael Burger

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Clean Power Plan Legal Defense: The Importance of Local Government Participation

- The Clean Power Plan is a historic public health and welfare protection that will set national standards for greenhouse gas pollution from power plants, America's largest source of emissions. This rule is a vital part of our on-going efforts to combat climate change, and will accelerate the nation's transition to a clean energy economy.
- Nonetheless, companies like Peabody Energy and a group of states led by West Virginia are trying to halt this progress by toppling the Clean Power Plan in court. There has already been some preliminary litigation over the final Clean Power Plan—all of which has failed. Additional legal challenges have been filed in the D.C. Circuit, including motions to block (or “stay”) the implementation of the rule.
- A key opportunity to help defend the Clean Power Plan is participating in litigation in support of these standards as *amici*. Participation will allow local governments to emphasize the vital nature of these public health and welfare protections and the opportunity posed by our nation's on-going transition to clean energy.
- Cities and municipalities have a valuable voice to share with the D.C. Circuit and, eventually, with the Supreme Court. Local government has a tremendous stake in comprehensive climate protection because local governments are on the front lines of delivering services and protecting citizens. Cities, counties, municipal governments and their representatives can speak directly to the benefits of climate protection: from the economic and public health benefits that have arisen from highly innovative, “bottom-up” clean energy efforts to the extensive cost of building more resilient infrastructure to support more climate secure communities. As the proving grounds for concrete clean energy initiatives, energy efficiency improvements, adaptation planning and numerous other experiments in climate governance – and as parties seeking a state and federal policy environment that will complement these efforts – local governments can provide an authoritative perspective on the cost-minimizing, flexible approach applied in the Clean Power Plan.
- A coalition of national associations and local governments is forming that will file an *amicus* brief in support to the Clean Power Plan and provide the local government perspective on the importance of the regulation and on the promise it holds for a more sustainable, resilient future. The burden of participating in this coalition would be light. The Sabin Center for Climate Change Law will take the laboring oar. We will likely seek input from local governments in the form of case studies, best practices, data points, and other information that would help inform the court's decision-making, in order to best

represent the local government point of view. But attorneys at the Center will organize and carry out the work.

- If you or your members are interested in joining the *amicus* effort to help defend these historic protections, please contact me at michael.burger@law.columbia.edu, or by phone at 212-854-2372.