

RESOLUTION NO. 2010-1345

A RESOLUTION ENDORSING AND SUPPORTING THE LAWSUIT CHALLENGING THE ENVIRONMENTAL IMPROVEMENT BOARD'S JURISDICTION TO ENTERTAIN THE PETITION FILED BY NEW ENERGY ECONOMY CALLING FOR CAPS ON GREENHOUSE GAS EMISSIONS

WHEREAS, New Energy Economy (NEE), a non-profit organization based in New Mexico, has filed a petition with the New Mexico Environmental Improvement Board (EIB) calling for a cap on greenhouse gas emissions that would require regulated entities to reduce those emissions to an amount equal to 25% below 1990 levels by 2020; and

WHEREAS, if these regulations were imposed by the EIB as requested by NEE, the City of Farmington's Electric Utility would not be able to continue to produce its own electric energy needs using its own very cost-effective resources and would have to purchase power from other, more expensive sources, passing the increased cost along to its customers; and

WHEREAS, regulated facilities that are unable to meet these regulations would have to shut down, closing power plants, natural gas production facilities and other energy-related businesses, costing countless jobs and crippling the economy of all of the San Juan County area; and

WHEREAS, a lawsuit has been filed in Lea County District Court, 5<sup>th</sup> Judicial District, Leavell, et al. v. NM Environmental Improvement Board, wherein the plaintiffs allege that the EIB does not have the legal authority to entertain the NEE petition and that the regulations proposed by NEE are not within the statutory authority of the EIB to impose; and

WHEREAS, it appears that the allegations made by the plaintiffs in the Leavell lawsuit are well-founded in law and that the 5<sup>th</sup> Judicial District Court should agree and find that the EIB should refuse to hear the NEE Petition; and

WHEREAS, the City of Farmington, through its duly elected City Council, wishes to go on record as supporting the plaintiffs in the Leavell lawsuit.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FARMINGTON, that City staff are hereby directed to (1) monitor the progress of the Leavell lawsuit, (2) provide information, support and assistance to the plaintiffs in that lawsuit as requested by the attorneys representing the plaintiffs, (3) update the Council as to the progress and outcome of the suit as it proceeds to final decision, and (4) send a copy of this Resolution to local state legislators, the Governor and the President of the United States.

PASSED, APPROVED, SIGNED AND ADOPTED this 23<sup>rd</sup> day of February, 2010.

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William E. Standley, Mayor

SEAL

ATTEST:

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Dianne Fuhrman, City Clerk