COMMITTEE STAFF SUMMARY

City Life Committee

Resolution (Document number 2026-309): Support the preservation of court access to protect taxpayers from extreme weather costs

Action Date:	September 22, 2026
Committee Action:	Referred to Council with a recommendation it be adopted
Votes:	4-0-1
Ayes:	Morillo, Avalos, Ryan, Pirtle-Guiney
Nays:	N/A
Absent:	Zimmerman
Impact Statements:	Financial and budgetary impacts; Community impacts and community involvement; 100% renewable goal; and Economic and real estate development analysis
Prepared by:	Kevin Alvarez, Council Operations
Committee meetings:	September 22, 2026 (recording and transcript)

WHAT THE RESOLUTION DOES:

The resolution (document number 2026-309) states that Portland categorically opposes any legislation, whether in the U.S. Congress or Oregon state legislature, that would limit or eliminate access to the courts by preempting existing laws or by granting fossil fuel companies immunity from laws or lawsuits seeking to hold the industry accountable for deceptive conduct and the costs of climate change. The resolution also affirms the City's support for the rights of cities, counties, tribes, and states to pursue litigation and legislation seeking to hold the fossil fuel industry accountable for climate change-driven harms.

ISSUES DISCUSSED:

- Comparison of the resolution with a recently discussed amendment related to the Zenith transfer that would allow members of the public to sue to enforce a contract between the City and another party
- Clarification that the distinction between the two is not whether governments or individuals may bring suit
- Whether adopting resolutions on federal legislation could set an unsustainable precedent, and the distinction of this resolution being one concerning the City's own legal rights and climate-related costs
- Relationship of the resolution to the committee's recent discussion on the City's progress toward its own climate goals
- Climate-related costs borne by the City, including distribution of air conditioners, cooling shelters, safe spaces during wildfire smoke events, and associated health costs for Portlanders
- Authority of the Mayor to join lawsuits on behalf of the City and the authority of Council to act if the Mayor does not

- Resolution's intent to serve as a signal to the administration and as a reference point for future Council direction to enter climate-related litigation

PUBLIC TESTIMONY IN COMMITTEE:

One person provided verbal testimony at the committee meeting on September 22nd. Sixteen people submitted written testimony prior to committee action.

General themes included:

- Accountability of fossil fuel companies for the costs of extreme weather events and climate-related damages currently borne by taxpayers
- Federal and state legislation that would grant fossil fuel companies immunity from climate-related lawsuits
- State-level "Make Polluters Pay" climate superfund legislation, that would apply the Superfund model for soil and water pollution to air pollution, supported by a coalition of more than 50 environmental advocacy groups seeking City support of its 2027 state legislative agenda
- Submission of an organizational sign-on letter on behalf of six environmental and climate organizations from Portland and across the state, with verbal testimony noting that additional organizations had joined since it was submitted

BACKGROUND:

States, counties, and cities across the country, including Multnomah County, have filed lawsuits focusing on fossil fuel companies' alleged deceptive conduct seeking to hold them accountable for damages caused by climate change. The resolution (document number 2026-309) draws extensively on the complaint filed by the State of Delaware, that alleges the industry understood the climate risks of its products and has deceived the public for decades about the impacts of fossil fuels on climate change. Fossil fuel companies have sought to move these cases from state court to federal court, and coalitions that included the Oregon Attorney General's office have filed amicus briefs defending the ability of states, cities, and counties to bring the suits in state court.

Legislation introduced in the U.S. House (H.R. 8330 – 119th Congress) and Senate (S. 4340 – 119th Congress) under the name *Stop Climate Shakedowns Act* would preempt these cases and bar states, cities, and counties from bringing such claims against fossil fuel companies. If this federal legislation is enacted, it would prevent the City from joining Multnomah County's lawsuit or bringing its own.