



CITY OF LOVELAND
CITY CLERKS OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2322 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 9/3/2013
TO: City Council
FROM: John Duval, City Attorney
PRESENTER: John Duval

TITLE:

1. An Ordinance of the Loveland City Council Placing a Two-Year Moratorium on the Use of Hydraulic Fracturing Within the City to Extract Oil, Gas or Other Hydrocarbons and on the Storage and Disposal of Its Waste Products in Order to Fully Study the Impacts of Hydraulic Fracturing on Property Values and Human Health
2. A Resolution of the Loveland City Council Submitting a Citizen-Initiated Ordinance to a Vote of the City's Registered Electors at the City's Regular Election on November 5, 2013
3. A Resolution of the Loveland City Council Submitting a Proposed Ordinance to a Vote of the City's Registered Electors at the City's Regular Election on November 5, 2013

RECOMMENDED CITY COUNCIL ACTION:

The Council should adopt an appropriate action regarding a hydraulic fracturing ordinance/ballot measure. There are four options for the Council to consider. If Council decides to consider the Ordinance on first reading, a public hearing must be held. If Council does not consider the Ordinance or otherwise does not approve it on first reading, the Council should then consider the two resolutions or option 4 identified below. If the Ordinance is adopted, the resolutions do not need to be considered.

OPTIONS:

1. Adopt the Ordinance on First Reading (results in adoption of the moratorium proposed in the initiative without referring it to the voters);
2. Adopt the Resolution referring the citizen-initiated ordinance to the voters (results in placement on the November 5 ballot but assumes the protestor has waived his right to appeal the City Clerk's determination);
3. Adopt the Resolution referring Council's proposed ordinance to the voters (results in placement on the November 5 ballot but avoids the issues related to a possible appeal);
or
4. Take none of these actions (results in the deferral of the Council's decision on ballot placement to a later date, which could result in a special election). .

SUMMARY:

1. The proposed ordinance is a legislative action for the Council to adopt on its own authority the ordinance proposed in the citizen initiative for a two-year moratorium on hydraulic fracturing.
2. The resolutions are both administrative actions. The first resolution refers to the voters and fixes a ballot title for the citizen-initiated ordinance and the second does the same for a Council-initiated ordinance that has essentially the same language as the citizen-initiated ordinance. Both would refer the ballot title to the November 5, 2013 regular election, which will be conducted as a mail ballot election in coordination with the Larimer County Clerk and Recorder.

BUDGET IMPACT:

- Positive
 - Negative
 - Neutral or negligible
-

BACKGROUND:

The City Clerk's Office received on July 8, 2013, a number of petitions for a citizen-initiated ordinance. The initiative proposes an ordinance for the imposition of a two-year moratorium on the use of hydraulic fracturing within the City to extract oil, gas or other hydrocarbons and on the storage and disposal of its waste in order to fully study the impacts of hydraulic fracturing on property values and human health.

On July 23, 2013, the City Clerk issued her statement pursuant to C.R.S. Section 31-11-109(2) finding that the initiative petitions contained a sufficient number of valid signatures to qualify for the placement of the proposed ordinance in the initiative on the ballot of an upcoming City regular or special election. A protest was subsequently filed challenging the City Clerk's decision. After the City Clerk conducted the required protest hearing, she issued her written determination upholding her previous decision of sufficiency with some modifications. The City Clerk's determination can be appealed to Larimer County District Court and that appeal period will expire on September 24, 2013.

C.R.S 31-11-104 provides that City Council has the option, after a "final determination of petition sufficiency," to either adopt the ordinance proposed in the Citizen Initiative, without alteration, or to refer the proposed ordinance, in the form petitioned for, to the City's registered electors at an upcoming regular or special City election. However, since the City Clerk's determination is subject to appeal until September 24, the City Clerk's determination is not yet "final." Therefore, the Council cannot act under § 31-11-104 unless the protestor waives his right to appeal, which is what is contemplated in the first resolution. In addition, the ballot title for the ordinance proposed in the citizen initiative cannot be placed on the County's November 5 coordinated election ballot unless it is certified by the City Clerk to the County Clerk by September 6.

Therefore, the Council has the following four options presented to it: (1) under its own legislative authority, adopt the ordinance to enact the ordinance proposed in the citizen initiative; (2) adopt

the first resolution to refer the citizen initiative to the November 5 ballot provided the protestor waives his right to appeal the City Clerk's determination; (3) adopt the second resolution to exercise the Council's independent authority to refer to the voters at the November 5 election the ordinance proposed in the citizen initiative; or (4) take none of these actions and let the initiative process proceed until a "final determination of petition sufficiency" has occurred either because no appeal is filed by September 24 or the courts have issued a final decision if an appeal is filed.

REVIEWED BY CITY MANAGER:

William H. Cahill

LIST OF ATTACHMENTS:

1. Ordinance adopting moratorium
2. Resolution referring citizen-initiated ordinance to voters
3. Resolution referring proposed Council ordinance to voters

FIRST READING September 3, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE OF THE LOVELAND CITY COUNCIL PLACING A TWO-YEAR MORATORIUM ON THE USE OF HYDRAULIC FRACTURING WITHIN THE CITY TO EXTRACT OIL, GAS OR OTHER HYDROCARBONS AND ON THE STORAGE AND DISPOSAL OF ITS WASTE PRODUCTS IN ORDER TO FULLY STUDY THE IMPACTS OF HYDRAULIC FRACTURING ON PROPERTY VALUES AND HUMAN HEALTH

WHEREAS, on July 23, 2013, the Loveland City Clerk issued her statement pursuant to C.R.S. Section 31-11-109(2) that petitions circulated by citizens for the adoption of an ordinance to place a two-year moratorium on hydraulic fracturing within the City of Loveland (the “Citizen Initiative”) contained a sufficient number of valid signatures to qualify the placement of the proposed ordinance in the Citizen Initiative on the ballot of an upcoming City regular or special election (the “Statement of Sufficiency”); and

WHEREAS, on August 16, 2013, a Loveland registered elector timely filed, pursuant to C.R.S. § 31-11-110(1), his written protest to the Statement of Sufficiency (the “Protest”); and

WHEREAS, the City Clerk noticed and held on August 22, 2013, the hearing required by C.R.S. § 31-11-110(3) to consider the Protest; and

WHEREAS, on August 27, 2013, the City Clerk issued her written determination, as required in § 31-11-110(3), upholding her previously issued Statement of Sufficiency with a few modifications (the “Determination”); and

WHEREAS, the Determination will constitute the “final determination of petition sufficiency,” as defined in C.R.S. §31-11-103(2), unless an appeal of the Determination is filed in Larimer County District Court as authorized in C.R.S. § 31-11-110(3) on or before September 24, 2013; and

WHEREAS, C.R.S. Section 31-11-104 provides that within twenty (20) days following the “final determination of petition sufficiency,” the City Council may either adopt without alteration the initiated ordinance or refer the proposed ordinance, in the form petitioned for, to the City’s registered electors at a regular or special election; and

WHEREAS, in addition to its authority under § 31-11-104 to adopt the ordinance proposed in the Citizen Initiative, the Council has its own independent authority under the City’s Charter to adopt this ordinance at any time; and

WHEREAS, the City Council, by the adoption of this Ordinance, has chosen the option to adopt itself the ordinance proposed in the Citizen Initiative.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Purpose. To protect property, property values, public health, safety and welfare by placing a moratorium on the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Loveland in order to study the impacts of the process on the citizens of the City of Loveland.

Section 2. Findings. The City Council hereby makes the following findings with respect to the process of hydraulic fracturing within the City of Loveland:

- The Colorado Constitution confers on all individuals in the state, including the citizens of Loveland, certain inalienable rights, including “the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness,” Colo. Const. Art. II, Sec. 3;
- The Colorado Oil and Gas Act requires oil and gas resources to be extracted in a “manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources,” Colo. Rev. Stat. § 34-60-102;
- The well stimulation process known as hydraulic fracturing is used to extract deposits of oil, gas, and other hydrocarbons through the underground injection of large quantities of water, gels, acids or gases; sands or other proppants; and chemical additives, many of which are known to be toxic;
- The City Council seeks to protect the people of Loveland from the harms associated with hydraulic fracturing, including threats to public health and safety, property damage and diminished property values, poor air quality, destruction of landscape, and pollution of drinking and surface water;
- Representatives from the State of Colorado have publicly stated that they will be conducting a health impact assessment to assess the risks posed by hydraulic fracturing and unconventional oil and gas development.

Section 3. Moratorium. Therefore, the City Council has determined that the best way to safeguard our inalienable rights provided under the Colorado Constitution, and to ensure the “protection of public health, safety, and welfare, including protection of the environment and wildlife resources” as provided under the Colorado Oil and Gas Act, is to place a moratorium on hydraulic fracturing and the storage and disposal of its waste products within the City of Loveland for a period of two years in order to fully study the impacts of this process on property values and

human health. The moratorium can be lifted upon a ballot measure approved by the people of the City of Loveland.

Section 4. Retroactive Application. The provisions of this Ordinance shall apply retroactively to the date the Citizen Initiative was found to have qualified for placement on the ballot of a regular or special City election.

Section 5. Publication and Effective Date. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).


ADOPTED this ____ day of September, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

RESOLUTION #R-67-2013

A RESOLUTION OF THE LOVELAND CITY COUNCIL SUBMITTING A CITIZEN-INITIATED ORDINANCE TO A VOTE OF THE CITY'S REGISTERED ELECTORS AT THE CITY'S REGULAR ELECTION ON NOVEMBER 5, 2013

WHEREAS, under Section 7-1(a) of the Loveland Charter, the registered electors of the City have the power to propose an ordinance, pursuant to the initiative power reserved by Article V, Section 1(9) of the Colorado Constitution, which ordinance must be initiated pursuant to the Colorado statutes which establish the procedure for municipal initiatives, except as otherwise provided by the City Charter; and

WHEREAS, a citizen-initiative petition proposing an ordinance for the imposition of a two-year moratorium on the use of hydraulic fracturing within the City to extract oil, gas or other hydrocarbons and on the storage and disposal of its waste in order to fully study the impacts of hydraulic fracturing on property values and human health has been submitted to the City Clerk (the "Citizen Initiative"); and

WHEREAS, on July 23, 2013, the City Clerk issued her statement, pursuant to C.R.S. Section 31-11-109(2), that said petitions contained a sufficient number of valid signatures for the referral and submission of the proposed ordinance in the Citizen Initiative to a vote of the people at a regular or special City election (the "Statement of Sufficiency"); and

WHEREAS, on August 16, 2013, Larry Sarner, a Loveland registered elector, (the "Protestor") timely filed under C.R.S. § 31-11-110(1) his written protest to the Statement of Sufficiency (the "Protest"); and

WHEREAS, the City Clerk noticed and held on August 22, 2013, the hearing required by C.R.S. § 31-11-110(3) to consider the Protest; and

WHEREAS, on August 27, 2013, the City Clerk issued her written determination, as required in § 31-11-110(3), upholding her previously issued Statement of Sufficiency with a few modifications (the "Determination"); and

WHEREAS, the Determination will constitute the "final determination of petition sufficiency," as defined in C.R.S. §31-11-103(2), unless an appeal of the Determination is timely filed in Larimer County District Court as authorized in C.R.S. § 31-11-110(3); and

WHEREAS, the time period for filing an appeal to the Determination is set out in Rule 106(b) of the Colorado Rules of Civil Procedure and requires that an appeal be filed no later than 28 days after the Determination and, since the Determination was issued on August 27, 2013, the deadline to file an appeal will be September 24, 2013; and

WHEREAS, the Protestor has decided not to appeal the Determination and has provided to the City his written waiver of his right to appeal the Determination, thereby allowing the City Council to consider the Determination as a “final determination of petition sufficiency” as defined in § 31-11-103(2); and

WHEREAS, C.R.S. Section 31-11-104 provides that within twenty (20) days following the “final determination of petition sufficiency,” the City Council may either adopt without alteration the initiated ordinance or publish the proposed ordinance as other ordinances are published and refer the proposed ordinance, in the form petitioned for, to the City’s registered electors at a regular or special election; and

WHEREAS, the City Council has decided not to adopt the initiated ordinance as proposed in the Citizen Initiative and, therefore, by this Resolution is referring and submitting to Loveland’s registered electors the initiated ordinance at the City’s regular election on November 5, 2013; and

WHEREAS, since the City’s regular election on November 5, 2013, will be conducted as a coordinated mail-ballot election with the Larimer County Clerk and Recorder (the “County Clerk”), this will require the City Clerk to certify the ballot title for this Citizen Initiative to the County Clerk no later than September 6, 2013, in order for it to be considered at the November 5, 2013, election; and

WHEREAS, pursuant to C.R.S. Section 31-11-111, the City Council is also required to fix the ballot title for the ordinance proposed in the Citizen Initiative.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND as follows:

Section 1. That there is hereby referred and submitted to the registered electors of the City of Loveland at the City’s regular election to be held on Tuesday, November 5, 2013, as a coordinated mail-ballot election with the County Clerk, the following proposed citizen-initiated ordinance:

CITIZEN-INITIATED ORDINANCE No. 1, 2013

LOVELAND PUBLIC HEALTH, SAFETY AND WELLNESS ACT

Section 1. Purpose. To protect property, property values, public health, safety and welfare by placing a moratorium on the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Loveland in order to study the impacts of the process on the citizens of the City of Loveland.

Section 2. Findings. The people of Loveland hereby make the following findings with respect to the process of hydraulic fracturing within the City of Loveland:

- The Colorado Constitution confers on all individuals in the state, including the citizens of Loveland, certain inalienable rights, including “the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness,” Colo. Const. Art. II, Sec. 3;
- The Colorado Oil and Gas Act requires oil and gas resources to be extracted in a “manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources,” Colo. Rev. Stat. § 34-60-102;
- The well stimulation process known as hydraulic fracturing is used to extract deposits of oil, gas, and other hydrocarbons through the underground injection of large quantities of water, gels, acids or gases; sands or other proppants; and chemical additives, many of which are known to be toxic;
- The people of Loveland seek to protect themselves from the harms associated with hydraulic fracturing, including threats to public health and safety, property damage and diminished property values, poor air quality, destruction of landscape, and pollution of drinking and surface water;
- Representatives from the State of Colorado have publicly stated that they will be conducting a health impact assessment to assess the risks posed by hydraulic fracturing and unconventional oil and gas development.

Section 3. Moratorium. Therefore, the people of Loveland have determined that the best way to safeguard our inalienable rights provided under the Colorado Constitution, and to ensure the “protection of public health, safety, and welfare, including protection of the environment and wildlife resources” as provided under the Colorado Oil and Gas Act, is to place a moratorium on hydraulic fracturing and the storage and disposal of its waste products within the City of Loveland for a period of two years in order to fully study the impacts of this process on property values and human health. The moratorium can be lifted upon a ballot measure approved by the people of the City of Loveland.

Section 4. Retroactive Application. In the event this measure is adopted by the voters, its provisions shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot.

Section 2. That pursuant to C.R.S. Section 31-11-104(1), the City Clerk is hereby directed to publish the proposed ordinance in Section 1 as other ordinances are required to be published under the City’s Charter.

Section 3. That the ballot title for the proposed ordinance in the Citizen Initiative shall be as follows:

QUESTION NO. ____: CITIZEN-INITIATED ORDINANCE TO PLACE A TWO-YEAR MORATORIUM ON THE USE OF HYDRAULIC FRACTURING WITHIN THE CITY OF LOVELAND TO FULLY STUDY THE IMPACTS OF HYDRAULIC FRACTURING ON PROPERTY VALUES AND HUMAN HEALTH

SHALL AN ORDINANCE BE ADOPTED THAT PLACES A TWO-YEAR MORATORIUM ON THE USE OF HYDRAULIC FRACTURING WITHIN THE CITY OF LOVELAND TO EXTRACT OIL, GAS OR OTHER HYDROCARBONS AND ON THE STORAGE AND DISPOSAL OF ITS WASTE PRODUCTS IN ORDER TO FULLY STUDY THE IMPACTS OF HYDRAULIC FRACTURING ON PROPERTY VALUES AND HUMAN HEALTH?

Yes _____

No _____

(To be endorsed on back of ballot)

OFFICIAL BALLOT FOR THE REGULAR MUNICIPAL ELECTION HELD IN THE CITY OF LOVELAND, COLORADO, ON TUESDAY, NOVEMBER 5, 2013.

Teresa G. Andrews, City Clerk

Section 4. The City Clerk is hereby directed to certify no later than September 6, 2013, to the County Clerk the ballot title above to be presented to the City’s registered electors as part of the County Clerk’s coordinated mail ballot election to be held on November 5, 2013.

Section 5. That this Resolution shall be effective as of the date and time of its adoption.


Signed this 3rd day of September, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

RESOLUTION #R-68-2013

**A RESOLUTION OF THE LOVELAND CITY COUNCIL
SUBMITTING A PROPOSED ORDINANCE TO A VOTE OF THE
CITY'S REGISTERED ELECTORS AT THE CITY'S REGULAR
ELECTION ON NOVEMBER 5, 2013**

WHEREAS, under Section 7-1(a) of the Loveland Charter, the registered electors of the City have the power to propose an ordinance, pursuant to the initiative power reserved by Article V, Section 1(9) of the Colorado Constitution, which ordinance must be initiated pursuant to the Colorado statutes which establish the procedure for municipal initiatives, except as otherwise provided by the City Charter; and

WHEREAS, a citizen-initiative petition proposing an ordinance for the imposition of a two-year moratorium on the use of hydraulic fracturing within the City to extract oil, gas or other hydrocarbons and on the storage and disposal of its waste in order to fully study the impacts of hydraulic fracturing on property values and human health has been submitted to the City Clerk (the "Citizen Initiative"); and

WHEREAS, on July 23, 2013, the City Clerk issued her statement, pursuant to C.R.S. Section 31-11-109(2), that said petitions contained a sufficient number of valid signatures for the referral and submission of the proposed ordinance in the Citizen Initiative to a vote of the people at a regular or special City election (the "Statement of Sufficiency"); and

WHEREAS, on August 16, 2013, a Loveland registered elector timely filed, pursuant to C.R.S. § 31-11-110(1), his written protest to the Statement of Sufficiency (the "Protest"); and

WHEREAS, the City Clerk noticed and held on August 22, 2013, the hearing required by C.R.S. § 31-11-110(3) to consider the Protest; and

WHEREAS, on August 27, 2013, the City Clerk issued her written determination, as required in § 31-11-110(3), upholding her previously issued Statement of Sufficiency with a few modifications (the "Determination"); and

WHEREAS, the Determination will not constitute the "final determination of petition sufficiency," as defined in C.R.S. §31-11-103(2), until the time period for appealing the Determination in Larimer County District Court as authorized in C.R.S. § 31-11-110(3) has expired without an appeal being filed or until a final court decision is issued if an appeal is filed; and

WHEREAS, the time period for appealing the Determination is set out in Rule 106(b) of the Colorado Rules of Civil Procedure and requires that the appeal be filed no

later than 28 days after the Determination was issued and, since the Determination was issued on August 27, 2013, the deadline to file an appeal will be September 24, 2013; and

WHEREAS, since C.R.S. Section 31-11-104 provides that within twenty (20) days following the “final determination of petition sufficiency” that the City Council either adopt without alteration the initiated ordinance or refer the proposed ordinance, in the form petitioned for, to the City’s registered electors at a regular or special election, the Council cannot refer the Citizen Initiative to the November 5, 2013, ballot until there is a “final determination of petition sufficiency”; and

WHEREAS, while the City Council could on its own authority adopt at any time the ordinance proposed in the Citizen Initiative, it chooses not to do so; and

WHEREAS, instead the Council has decided to exercise its independent authority under C.R.S. § 31-11-111(2) to submit this proposed ordinance to the voters in time to be certified on September 6, 2013, to the Larimer County Clerk and Recorder (the “County Clerk”) for the coordinated November 5, 2013, election, which will not occur if the Council waits until after September 24, 2013, to refer this ordinance to the voters at a special election under § 31-11-104, provided an appeal of the Determination has not been filed by September 24, 2013; and

WHEREAS, pursuant to C.R.S. Section 31-11-111(2), the City Council is required to fix the ballot title for the ordinance proposed in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND as follows:

Section 1. That there is hereby referred and submitted to the registered electors of the City of Loveland at the City’s regular election to be held on Tuesday, November 5, 2013, as a coordinated mail-ballot election with the County Clerk, the following proposed ordinance:

LOVELAND PUBLIC HEALTH, SAFETY AND WELLNESS ACT

Section 1. Purpose. To protect property, property values, public health, safety and welfare by placing a moratorium on the use of hydraulic fracturing to extract oil, gas, or other hydrocarbons within the City of Loveland in order to study the impacts of the process on the citizens of the City of Loveland.

Section 2. Findings. The people of Loveland hereby make the following findings with respect to the process of hydraulic fracturing within the City of Loveland:

- The Colorado Constitution confers on all individuals in the state, including the citizens of Loveland, certain inalienable rights, including “the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness,” Colo. Const. Art. II, Sec. 3;

- The Colorado Oil and Gas Act requires oil and gas resources to be extracted in a “manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources,” Colo. Rev. Stat. § 34-60-102;
- The well stimulation process known as hydraulic fracturing is used to extract deposits of oil, gas, and other hydrocarbons through the underground injection of large quantities of water, gels, acids or gases; sands or other proppants; and chemical additives, many of which are known to be toxic;
- The people of Loveland seek to protect themselves from the harms associated with hydraulic fracturing, including threats to public health and safety, property damage and diminished property values, poor air quality, destruction of landscape, and pollution of drinking and surface water;
- Representatives from the State of Colorado have publicly stated that they will be conducting a health impact assessment to assess the risks posed by hydraulic fracturing and unconventional oil and gas development.

Section 3. Moratorium. Therefore, the people of Loveland have determined that the best way to safeguard our inalienable rights provided under the Colorado Constitution, and to ensure the “protection of public health, safety, and welfare, including protection of the environment and wildlife resources” as provided under the Colorado Oil and Gas Act, is to place a moratorium on hydraulic fracturing and the storage and disposal of its waste products within the City of Loveland for a period of two years in order to fully study the impacts of this process on property values and human health. The moratorium can be lifted upon a ballot measure approved by the people of the City of Loveland.

Section 4. Retroactive Application. In the event this measure is adopted by the voters, its provisions shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot.

Section 2. That the ballot title for the proposed ordinance shall be as follows:

QUESTION NO. ____: ORDINANCE TO PLACE A TWO-YEAR MORATORIUM ON THE USE OF HYDRAULIC FRACTURING WITHIN THE CITY OF LOVELAND TO FULLY STUDY THE IMPACTS OF HYDRAULIC FRACTURING ON PROPERTY VALUES AND HUMAN HEALTH

SHALL AN ORDINANCE BE ADOPTED THAT PLACES A TWO-YEAR MORATORIUM ON THE USE OF HYDRAULIC FRACTURING WITHIN THE CITY OF LOVELAND TO EXTRACT OIL, GAS OR OTHER HYDROCARBONS AND ON THE STORAGE AND DISPOSAL OF ITS WASTE PRODUCTS IN ORDER TO FULLY

STUDY THE IMPACTS OF HYDRAULIC FRACTURING ON
PROPERTY VALUES AND HUMAN HEALTH?

_____ Yes _____

_____ No _____

(To be endorsed on back of ballot)

OFFICIAL BALLOT FOR THE REGULAR MUNICIPAL ELECTION
HELD IN THE CITY OF LOVELAND, COLORADO, ON TUESDAY,
NOVEMBER 5, 2013.

Teresa G. Andrews, City Clerk

Section 3. That the City Clerk is hereby directed to certify no later than September 6, 2013, to the County Clerk the ballot title above to be presented to the City's registered electors as part of the County Clerk's coordinated mail ballot election to be held on November 5, 2013.

Section 4. That this Resolution shall be effective as of the date and time of its adoption.

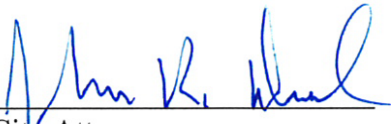
Signed this 3rd day of September, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney