

RESOLUTION 2014-082
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DIRECTING THE INTERIM CITY ATTORNEY AND THE CITY'S SPECIAL COUNSEL
TO FILE AN APPEAL WITH THE COLORADO COURT OF APPEALS
IN THE *COLORADO OIL AND GAS ASSOCIATION V. CITY OF FORT COLLINS* LAWSUIT

WHEREAS, on November 5, 2013, the voters passed a citizen-initiated ordinance that placed a five-year moratorium on the use of hydraulic fracturing and the storage of its waste products within the City of Fort Collins and on City-owned land (the "Moratorium"); and

WHEREAS, on December 2, 2013, the Colorado Oil and Gas Association ("COGA") filed in Larimer County District Court its complaint in *COGA v. City of Fort Collins*, Case No. 2013CV31385, (the "Lawsuit") asking the Court to declare the Moratorium unlawful and invalid on the ground that it is preempted by the Colorado Oil and Gas Conservation Act (the "Act"); and

WHEREAS, on August 7, 2014, District Court Judge Gregory Lammons issued in the Lawsuit his "Order Granting Plaintiff's Motion for Summary Judgment on First Claim for Relief and Denying Defendant's Cross-Motion for Summary Judgment" declaring that the Moratorium is preempted by the Act (the "Order"); and

WHEREAS, the City Council has determined, based on its review of the Order and consideration of the implications for the City of the Order, and after conferring in an executive session with the Interim City Attorney and the City's special counsel in the Lawsuit, that it is in the City's best interests that it file an appeal with the Colorado Court of Appeals asking the Court of Appeals to reverse Judge Lammons's decision in the Order; and

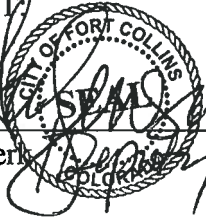
WHEREAS, in conjunction with this appeal, the Council has also determined that it will advance the public interest and the interests of the City to file with the District Court a motion asking it to stay the effect of the Order pending the outcome of the appeal and, if a stay is not granted by the District Court, to file a motion for the stay with the Colorado Court of Appeals.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS, that the Interim City Attorney and the City's special counsel in the Lawsuit are hereby directed to timely file with the Colorado Court of Appeals an appeal of the Order asking the Colorado Court of Appeals to reverse the Order and to also timely file with the District Court a motion for a stay of the effect of the Order and, if denied by the District Court, to file a motion for the stay with the Colorado Court of Appeals.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 23rd day of September, A.D. 2014.

Karen Weickert
Mayor

ATTEST

The seal of the City of Fort Collins is circular with a rope-like border. Inside the border, the words "CITY OF FORT COLLINS" are written in a circle. In the center of the seal, the word "SEALS" is written in a stylized font. A signature is written across the seal and extends to the right.

City Clerk