

RESOLUTION NO. 17-_____

A RESOLUTION OF THE TOWN OF ERIE, COLORADO, AUTHORIZING THE TOWN ATTORNEY TO SIGN ON BEHALF OF THE TOWN OF ERIE, COLORADO A MOTION FOR LEAVE TO FILE AN AMICUS CURIAE BRIEF IN OPPOSITION TO THE PETITION FOR WRIT OF CERTIORARI AND AN AMICUS CURIE BRIEF IN SUPPORT OF THE RESPONDENTS/APPELLANTS AND OPPOSING A GRANT OF CERTIORARI IN *COLORADO OIL AND GAS CONSERVATION COMMISSION V. MARTINEZ* (2017SC297); AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Erie, Colorado ("Erie") is a statutory Town of the State of Colorado;

WHEREAS, Erie, as a local government entity, is charged with protecting the public health, safety, and welfare of its residents, See § 31-15-103, C.R.S. ("...to make and publish ordinances not inconsistent with the laws of this state, from time to time, for carrying into effect or discharging the powers and duties conferred by this title which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof not inconsistent with the laws of this state."), § 31-15-401(b), C.R.S. ("To do all acts and make all regulations which may be necessary or expedient for the promotion of health..."), and § 31-23-301, C.R.S. "...for the purpose of promoting health, safety, morals, or the general welfare of the community, including energy conservation and the promotion of solar energy utilization, the governing body of each municipality is empowered to regulate and restrict ... use of buildings, structures, and land for trade, industry, residence, or other purposes;"

WHEREAS, there are significant, ongoing and anticipated oil and gas operations in Erie, and Erie's residents are concerned about the public health and environmental effects of oil and gas operations near their homes, schools, businesses, and recreation areas;

WHEREAS, Erie is interested in the *Colorado Oil and Gas Conservation Commission v. Martinez* (2017SC297) case because it wants to ensure the protection of its residents and further ensure that Colorado Oil and Gas Conservation Commission, through its rules and regulations, properly fulfills its statutory duties in Colorado's mixed state and local method of regulating oil and gas development;

WHEREAS, the Town of Erie, Colorado wishes authorize its Town Attorney to sign on behalf of the Town of Erie a Motion for Leave to File an Amicus Curiae Brief in Opposition to Petition for Writ of Certiorari and an Amicus Curie Brief in support of the Respondents / Appellants and Opposing a Grant of Certiorari in Colorado Oil and Gas Conservation Commission v. Martinez (2017SC297); and

WHEREAS, the Board of Trustees of the Town of Erie believes it is in the best interest of the Town to authorize the filing, on its behalf, of such a Motion and Brief as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, AS FOLLOWS:

Section 1. That the Town of Erie Town Attorney is hereby authorized and directed to sign on behalf of the Town of Erie a Motion for Leave to File an Amicus Curiae Brief in Opposition to Petition for Writ of Certiorari and an Amicus Curie Brief in support of the Respondents / Appellants and Opposing a Grant of Certiorari in Colorado Oil and Gas Conservation Commission v. Martinez (2017SC297).

Section 2. That authorizing and directing the Town Attorney to sign on behalf of the Town of Erie a Motion for Leave to File an Amicus Curiae Brief in Opposition to Petition for Writ of Certiorari and an Amicus Curie Brief in support of the Respondents / Appellants and Opposing a Grant of Certiorari in Colorado Oil and Gas Conservation Commission v. Martinez (2017SC297) is found to be in the best interest of the Town of Erie, and necessary for the preservation of the public health and safety.

ADOPTED AND APPROVED THIS 27TH DAY OF JUNE, 2017, BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO.

TOWN OF ERIE,
a Colorado municipal corporation

By: _____
Mark Gruber, Mayor Pro Tem

ATTEST:

By: _____
Nancy Parker, CMC, Town Clerk