

Election — November 6, 2012

**City of Longmont
Ballot Questions**



**League of Women Voters®
of Boulder County**

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**LONGMONT QUESTION 2A
[PUBLIC SERVICE COMPANY
GAS FRANCHISE]**

Shall the City of Longmont grant a gas franchise to Public Service Company of Colorado granting it the non-exclusive right to make reasonable use of City streets, other City property and public utility easements to provide gas utility service to the City and to its residents and to acquire, purchase, construct, install, locate, maintain, operate, and extend into, within and through the City all Company facilities reasonably necessary for the sale, storage, purchase, exchange, transportation, transmission and distribution of gas utility service within and through the City?

Major Provisions

The proposal, referred to voters by the city council, grants a 20-year gas franchise to Public Service Company (Xcel Energy) to provide gas service to Longmont. The city currently receives a 3% franchise fee from Xcel, which amounted to

\$754,980 in 2011. The new franchise agreement maintains the franchise fee at 3% and also allows for the assessment of additional fees for street closures or excavation permits. The current franchise does not have this stipulation. The new franchise agreement also imposes obligations on Xcel related to the environment and conservation. The current franchise has no similar provisions.

Background

The city charter requires all franchises to be approved by city council by ordinance and submitted to a vote of the city electors. The city approved its current franchise agreement with Xcel in November 1993. It is for a 20-year term and expires on November 2, 2013. Because Election Day in 2013 is November 5, 2013, three days after the current franchise expires, the question is being brought before the voters this year.

Those IN FAVOR say

1. The new franchise will provide Longmont residents and businesses with a reliable long-term supply of natural gas.
2. The city will continue to receive a franchise fee equal to 3% of all gross revenues.
3. The new franchise requires Xcel to coordinate its work with the City to minimize inconvenience to the public.

Those OPPOSED say

No organized opposition has been identified.

**LONGMONT QUESTION 300
[CHARTER AMENDMENT TO BAN
HYDRAULIC FRACTURING]**

Shall the City of Longmont Home Rule Charter be amended by adding a new article XVI to prohibit within the City of Longmont the use of Hydraulic Fracturing to extract oil, gas, or other hydrocarbons, and prohibit within the City of Longmont the storage in open pits or disposal of solid or liquid wastes created in connection with the hydraulic fracturing process, including but not limited to flowback or produced wastewater and brine?

Major Provisions

Placed on the ballot through a citizens' initiative petition, the proposed city charter amendment would prohibit in Longmont both (1) the use of hydraulic fracturing (fracking) and (2) storage of the resultant waste products. It would not ban drilling per se but would forbid fracking, which is a means of reaching oil, gas, and other deposits by cracking rock with high-pressure fluid.

Background

Longmont residents, concerned about the use of fracking within the city limits, formed a committee to gather signatures petitioning city council to submit the issue to voters. In July, three days before the committee submitted the signed petitions to the city clerk, the city council passed new oil and gas regulations that do not ban fracking but do impose restrictions on drilling in residential zones. The city's new regulations brought a lawsuit from the State of Colorado.

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Those IN FAVOR say

1. Studies have shown that hydraulic fracturing (fracking) pollutes the air we breathe, the water we use for drinking, and the soil we use for agriculture.
2. Fracking consumes billions of gallons of water; 50% of this water is never returned to the hydrological cycle and must be permanently buried underground because of its toxicity.
3. Pollutants in fracking fluid are known to cause cancer, neurological disease, and respiratory illness. Returned fluids may also contain radioactive material.
4. The proposed city charter amendment is supported by the Colorado Constitution, which guarantees citizens the right to protect our health, safety, and welfare. Those rights are also contained in the Colorado Oil and Gas Act, but are routinely ignored by the state.

Those OPPOSED say

1. Colorado law is clear; a local government has little authority to regulate most aspects of oil and gas drilling. The issue regarding hydraulic fracturing has already been litigated.
2. Claims of air and water pollution as a result of hydraulic fracturing are largely unfounded and are being used as a scare tactic.
3. If the proposal passes, Longmont will most likely face more lawsuits not only from oil and gas operators but from the State of Colorado as well. The city would need to spend taxpayer money to fight these lawsuits.
4. The oil and gas industry is an integral part of northeastern Colorado's economy and limiting it in this way sends a message that Longmont isn't as business friendly as it should be.

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