

Request for City Council Action

Date: November 13, 2012

Agenda Section: Consent Agenda No. 4	Originating Department: Legal
Item: Resolution to Support a State of Illinois Moratorium on High-Volume Horizontal Hydraulic Fracturing No. 4.8	Approved:

Background and Summary:

High volume hydraulic fracturing is being employed to release natural gas from underground shale formations. Concerns for health and safety associated with this process are being expressed by numerous parties and political subdivisions.

Current Illinois laws and regulations on hydraulic fracturing may be inadequate for protecting our health and environment, and there is discussion of a state wide moratorium on the process to allow for further testing.

This new process has been discussed at previous council meetings and several council members have requested that a Resolution be prepared supporting the State of Illinois moratorium on high-volume hydraulic fracturing.

Recommended Action:

The City Council is requested to adopt the Resolution to support a State of Illinois moratorium on high-volume horizontal hydraulic fracturing.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
Council Action: Motion by: _____		2nd by: _____	to: _____	

RESOLUTION NO. 2012-R-_____

A RESOLUTION TO SUPPORT A STATE OF ILLINOIS MORATORIUM ON HIGH-VOLUME HORIZONTAL HYDRAULIC FRACTURING

WHEREAS, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a) of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public, health, safety, morals and welfare; and

WHEREAS, the hydraulic fracturing, aka “fracking” of underground oil and gas bearing formations has been utilized in the State of Illinois for years; and

WHEREAS, a new process known as “high volume horizontal hydraulic fracturing” is now being employed to release natural gas from underground shale formations; and

WHEREAS, numerous states and other political subdivisions including Jackson County, are expressing concerns for health and safety associated with the process; and

WHEREAS, the laws and regulations in place in Illinois state government are minimal and currently may be inadequate for protecting our health and our environment from the potential pollution and risks associated with this process; and

WHEREAS, high-volume hydraulic fracturing has been exempted from federal laws, including the Clean Drinking Water Act, the Clean Water Act, the National Environmental Policy Act, the Clean Air Act, the Superfund Act, and the Occupational Safety and Health Act,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:

SECTION 1. The City expresses its support for legislation by the Illinois General Assembly to enact a moratorium on high-volume horizontal hydraulic fracturing until such time as the health and environmental concerns of the people of Illinois are addressed; and Illinois has appropriate regulations and monitoring and enforcement capabilities in place to ensure high-volume hydraulic fracturing can be conducted without risk to the environment of the state and the health of citizens.

SECTION 2. To send this resolution to state officials to include the state Senators and Representatives that represent our City, the Governor and Lt. Governor of Illinois, the Director of the Dept. of Natural Resources, the Speaker of the House, the President of the Senate and the Attorney General's Office.

SECTION 3. That the City Manager of the City of Carbondale is hereby authorized to take any and all actions necessary, reasonable, and proper to carry out the intent purpose of this Resolution.

SECTION 4. That this Resolution shall be spread at length upon the minute records of the City of Carbondale and shall be known as Resolution No. 2012-R-_____.

This Resolution is adopted at a regular meeting of the City Council of the City of Carbondale, Illinois on the 14th day of November, 2012.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Rachael E. Moore, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney