

**A RESOLUTION OPPOSING “AMENDMENT 74” WHICH ATTEMPTS TO AMEND
THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND LOCAL
GOVERNMENT SERVICES AT A HIGH COST TO TAXPAYERS**

NO. 2018-74

WHEREAS, local government services and protections are essential to the citizens of the City of Commerce City (“Commerce City”);

WHEREAS, Amendment 74, formerly known as Initiative #108, has been written by certain out-of-state corporate interests to change the text of the Colorado Constitution, Article II, Section 15, which dates back to 1876 and threatens basic governmental services and protections;

WHEREAS, Amendment 74 declares that any state or local government law or regulation that “reduces” the “fair market value” of a private parcel is subject to “just compensation;”

WHEREAS, while Amendment 74 is shrouded in simple language, it has far reaching and unintended impacts;

WHEREAS, under the current Colorado Constitution, a property owner already has the right to seek compensation from state or local governments;

WHEREAS, Amendment 74 would expand this well-established concept by requiring the government – i.e., the taxpayers – to compensate private property owners for virtually any decrease whatsoever in the fair market value of their property traceable to any government law or regulation;

WHEREAS, Amendment 74 would create uncertainty because it is not clear what the language actually means or how it can be applied;

WHEREAS, Amendment 74 would severely limit the ability of Colorado’s state and local governments to do anything that might indirectly, unintentionally, or minimally affect the fair market value of any private property;

WHEREAS, Amendment 74 would drastically diminish the ability of our state and local governments to adopt – let alone attempt to enforce – reasonable regulations, limitations, and restrictions upon private property;

WHEREAS, Amendment 74 would place laws, ordinances, and regulations designed to protect public health and safety, the environment, our natural resources, public infrastructure, and other public resources in jeopardy;

WHEREAS, Amendment 74 would directly impact zoning, density limitations, and planned development;

WHEREAS, Amendment 74 would make inherently dangerous or environmentally damaging activities prohibitively costly to attempt to limit or regulate, even in the interest of public health, safety, and welfare;

WHEREAS, any arguable impact upon fair market value – however reasonable or justified or minimal or incidental or temporary – resulting from state or local government action could trigger a claim for the taxpayers to pay;

WHEREAS, governments would be vulnerable to expensive, time-consuming lawsuits and money judgments for almost every decision to regulate or not to regulate to protect the public interest, making regular government function prohibitively expensive for the taxpayer;

WHEREAS, similar efforts have been attempted and defeated in other states, such as the states of Washington and Oregon;

WHEREAS, the fiscal impact for similar language in Washington was estimated at \$2 billion dollars for state agencies and \$1.5 billion for local governments over the first six years;

WHEREAS, individuals filed several thousand claims against state and local governments with an estimated value in excess of several billions of dollars in claims in Oregon before the residents repealed the takings initiative three years after its passage.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY:

1. The City Council of the City of Commerce City opposes Amendment 74 and strongly urges a vote of NO this November.

Resolved and passed this October 1, 2018.

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk