

RESOLUTION NO. 110-18

A RESOLUTION OPPOSING "AMENDMENT 74", A PROPOSAL TO AMEND THE COLORADO CONSTITUTION WHICH WOULD DRASTICALLY LIMIT STATE AND LOCAL GOVERNMENT SERVICES AT A HIGH COST TO TAXPAYERS

WHEREAS, local government services are essential to the citizens of the City of Colorado Springs; and

WHEREAS, Amendment 74 has been written to change the text of Colorado Constitution Art. II, § 15, a provision which dates back to 1876; and

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

WHEREAS, while the language of Amendment 74 seems simple, it has far reaching and unintended impacts that will threaten basic governmental services; and

WHEREAS, under the current Colorado Constitutional provision, a property owner already has the right to seek compensation from state or local governments for the taking of their private property for public purposes; and

WHEREAS, Amendment 74 would expand this well-established principle by requiring the government to compensate private property owners for virtually any decrease whatsoever in the fair market value of their property that may be traceable to any government law or regulation; and

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

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; and

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

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

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

WHEREAS, Amendment 74 would make it prohibitively expensive to regulate inherently dangerous or environmentally damaging activities; and

WHEREAS, any arguable impact upon fair market value – however reasonable, justified, minimal, incidental, or temporary – resulting from state or local government action could trigger

a claim for the taxpayers to pay; and

WHEREAS, governments would be vulnerable to lawsuits for almost every decision to regulate or not to regulate, making regular government function prohibitively expensive for the taxpayer; and

WHEREAS, the fiscal impact for a similar measure in Washington state was estimated at \$2 billion dollars for state agencies and \$1.5 billion for local governments over the first six (6) years; and

WHEREAS, individuals in Oregon filed several thousand claims against state and local governments with an estimated value in excess of several billions of dollars in claims before the citizens of Oregon repealed a similar initiative three (3) years after its passage.

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


Section 1. The City Council of the City of Colorado Springs opposes Amendment 74 and strongly urges its residents to vote no on Amendment 74 this November.

Section 2. This City Council resolution was passed on a 6-3 vote.

Dated at Colorado Springs, Colorado this 9th day of October, 2018.



Council President

ATTEST:

Sarah B. Johnson, City Clerk
