

RESOLUTION 2018-100
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXPRESSING THE CITY COUNCIL'S OPPOSITION TO AMENDMENT 74, AN ATTEMPT
TO AMEND THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND
LOCAL GOVERNMENT AT A HIGH COST TO TAXPAYERS AND URGING THE
CITIZENS OF FORT COLLINS TO VOTE "NO" ON THIS BALLOT ISSUE

WHEREAS, state and local government services are essential to the citizens of Fort Collins; and

WHEREAS, Amendment 74 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, in a way that threatens basic governmental services; and

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

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

WHEREAS, under the current Colorado Constitution, a property owner already has the right to seek compensation from state and local governments when their property is taken or damaged by those governments; and

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; and

WHEREAS, Amendment 74 would create uncertainty because it is not clear what the language actually means or how it will be applied by the courts; 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 – let alone attempt to enforce – reasonable regulations, limitations, and restrictions upon private property; and

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; and

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

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

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 or at least require the taxpayers to pay the costs to defend the claim in the courts; 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, similar efforts have been attempted and defeated in other states, such as the states of Washington and Oregon; and

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; and

WHEREAS, there were \$4 billion dollars in claims in Oregon before the residents repealed a similar initiative three years after its passage; and

WHEREAS, the constitutions of the United States and the State of Colorado establish well-tested protections governing the regulatory and physical taking of property interests by governments; and

WHEREAS, the Council believes that Amendment 74 would have a significant detrimental impact on the work of the City of Fort Collins and its ability to promote the health, safety and welfare of the Fort Collins community, as well as the quality of life for Fort Collins residents and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council opposes Amendment 74 and urges every registered voter to vote "NO" on Amendment 74 at the November 6, 2018, election.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of October, A.D. 2018.


Mayor

ATTEST:


City Clerk

