

## RESOLUTION NO. 67-18

### **A RESOLUTION OPPOSING INITIATIVE 108 ALSO KNOWN AS AMENDMENT 74 A PROPOSED AMENDMENT TO THE COLORADO CONSTITUTION TO CHANGE SETTLED LAW REGARDING THE PAYMENT OF JUST COMPENSATION**

#### RECITALS.

Initiative 108, an initiated ballot measure to amend Article II §15 of the Colorado Constitution, now designated as proposed Amendment 74, has been certified for consideration by the voters of the State of Colorado at the November 6, 2018 election.

The City Council, after due and careful consideration has determined that the passage of Amendment 74 will cause significant negative impact to our community and the State and City Council urges voters to reject it.

Amendment 74 would materially change the Colorado Constitution and existing law by declaring that any state or local government law or regulation that “reduces” the “fair market value” of private property is subject to a payment of “just compensation.” Presently, a private property owner has the right to seek compensation from state or local government(s) when property is physically taken or uniquely burdened by regulation.

Amendment 74 would expand that right and require compensation from the City (and/or other government(s)) – using tax revenues – to compensate private property owners for any decrease in the fair market value of the property that can be traced to a City ordinance or regulation. This would be the case even if the restriction of a particular “use” may result in an increase in value to other use(s)/aspect(s) of the property.

Amendment 74 would severely limit the ability of the City to take any action that might indirectly, unintentionally or minimally affect the fair market value of private property.

Amendment 74 would drastically diminish the City’s ability to adopt and enforce reasonable regulations, limitations and restrictions upon private property.

Amendment 74 would impact zoning, density limitations and planned development.

Amendment 74 would reduce the City’s ability to regulate environmentally dangerous or damaging activities.

Amendment 74 would effectively pre-empt the Colorado Oil and Gas Commission from any further rule-making and could be deemed a taking under Initiative 108.

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 unnecessarily inefficient and ineffective.

**NOW, THEREFORE, BE IT RESOLVED THAT** The City Council of the City of Grand Junction hereby opposes Amendment 74 and urges a "NO" vote on Initiative 108/Amendment 74 at the November 6, 2018 election.


ADOPTED this 17<sup>th</sup> day of October, 2018.

GRAND JUNCTION CITY COUNCIL

  
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Barbara Traylor Smith  
President of the Council



ATTEST:

  
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Wanda Winkelmann  
City Clerk