

**RESOLUTION NO. 19**

**SERIES 2018**

**A RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL OPPOSING  
“AMENDMENT 74”, AN ATTEMPT TO AMEND THE COLORADO CONSTITUTION  
TO DRASTICALLY LIMIT STATE AND LOCAL GOVERNMENT SERVICES AT A  
HIGH COST TO TAXPAYERS**

**WHEREAS**, local government services are essential to the citizens of Town of Crested Butte; and

**WHEREAS**, Amendment 74 has been written to change the text of the Colorado Constitution, Article II, Section 15 and 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 subject to “just compensation;” and

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

**WHEREAS**, Amendment 74 would expand this well-established protection from takings by also 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 can be applied; and

**WHEREAS**, the uncertainty of Amendment 74 would have the effect of severely limiting 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 jeopardize laws, ordinances, and regulations designed to protect public health and safety, the environment, natural resources, public infrastructure, and other public resources; and

**WHEREAS**, Amendment 74 would directly impact zoning, density limitations, affordable housing requirements and other land use requirements; and

**WHEREAS**, Amendment 74 would make it prohibitively costly for state and local governments to attempt to limit or regulate, even in the interest of public health, safety, and welfare dangerous or environmentally damaging activities; 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 compensation that taxpayers would have 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**, 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

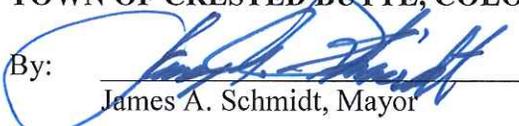
**WHEREAS**, individuals filed several thousand claims against state and local governments with an estimated value in excess of several billions of dollars in claims in Oregon before the residents repealed the takings initiative three years after its passage.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THAT:**

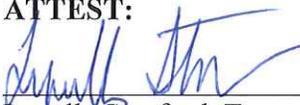
The Town of Crested Butte opposes Amendment 74 and strongly urges a vote of NO this November.

**INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THIS 1<sup>ST</sup> DAY OF OCTOBER, 2018.**

**TOWN OF CRESTED BUTTE, COLORADO**

By:   
James A. Schmidt, Mayor

**ATTEST:**

  
Lynelle Stanford, Town Clerk

