

**RESOLUTION NO. 40**  
**Series of 2018**

**A RESOLUTION OPPOSING AMENDMENT 74**

WHEREAS, state voters will have the opportunity at the November 6 statewide general election to vote on Amendment 74, which seeks to amend the Colorado Constitution to require that "just compensation" be paid for any government law or regulation deemed to reduce the fair market value of private property;

WHEREAS, local government services are essential to the residents of Vail;

WHEREAS, Amendment 74 has been written and is being funded by the oil and gas industry to amend the Colorado Constitution and threaten the ability of state and local governments to provide basic governmental services;

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, under the current Colorado Constitution, Article II, Section 15, a property owner already has the right to seek compensation from state or local governments if forced to bear "public" burdens that, in all fairness, should be borne and paid for by the public as a whole;

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, even if temporary or incidental, if the decrease is traceable to any government law or regulation;

WHEREAS, Amendment 74 would severely limit the ability of Colorado's state and local governments to take actions 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 make inherently dangerous or environmentally damaging activities prohibitively costly to attempt to limit or regulate, even in the interest of the public;

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 lawsuits for almost every decision to regulate or not to regulate making regular governmental functions 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; and

WHEREAS, there were \$4 billion dollars in claims in Oregon before the residents repealed the takings initiative two years after its passage.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO THAT:

Section 1. The Council hereby opposes Amendment 74 and urges our citizens to vote against this ballot measure.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Vail held this 16th day of October, 2018.

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Dave Chapin, Town Mayor

ATTEST:

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Patty McKenny, Town Clerk