

RESOLUTION NO. 18-09

TOWN OF RIDGWAY, COLORADO

A RESOLUTION 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 the Town of Ridgway;  
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; those proposed changes threatening 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**, 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 or local 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 the language is ambiguous as to meaning and application; and

**WHEREAS**, Amendment 74 would severely limit the ability of Colorado’s state and local governments to act, as those actions 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 health and safety; 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, payment for which would come from taxpayer dollars; 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 billions of dollars in claims in Oregon before the residents repealed the takings initiative three years after its passage.

**NOW, THEREFORE, THE TOWN OF RIDGWAY, BY AND THROUGH ITS TOWN COUNCIL** opposes Amendment 74 and strongly urges a vote of NO this November.

**TOWN OF RIDGWAY, COLORADO**

By: \_\_\_\_\_  
JOHN CLARK, Mayor

**ATTEST:**

By: \_\_\_\_\_  
PAM KRAFT, Town Clerk