1	<b>CITY OF LITTLETON, COLORADO</b>
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3	Resolution No. 60
4 5 6	Series, 2018
7 8 9 10 11 12 13	A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, OPPOSING "AMENDMENT 74", AN ATTEMPT TO AMEND THE COLORADO CONSTITUTION TO LIMIT STATE AND LOCAL GOVERNMENT SERVICES AT A HIGH COSTS TO TAXPAYERS
14 15	<b>WHEREAS</b> , local government services are essential to the citizens of City of Littleton; and
16 17 18 19 20	<b>WHEREAS,</b> 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 and threatens basic governmental services; and
21 22 23 24	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
25 26	WHEREAS, while Amendment 74 is shrouded in simple language, it has far reaching and complicated impacts; and
27 28 29	WHEREAS, under the current Colorado Constitution, a property owner already has the right to seek compensation from state or local governments; and
30 31 32 33 34	<b>WHEREAS,</b> 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
35 36 37 38	<b>WHEREAS,</b> Amendment 74 would create uncertainty because it is not clear what the language actually means or how it can be applied; and
39 40 41	<b>WHEREAS,</b> 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
42 43 44 45	<b>WHEREAS,</b> 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

46 47 WHEREAS, Amendment 74 would place laws, ordinances, and regulations designed to protect public health and safety, the environment, our natural resources, public 48 49 infrastructure, and other public resources in jeopardy; and 50 51 WHEREAS, Amendment 74 would directly impact zoning, density limitations, 52 and planned development; and 53 Amendment 74 would make inherently 54 WHEREAS. dangerous or 55 environmentally damaging activities prohibitively costly to attempt to limit or regulate, even in the interest of the public; and 56 57 58 **WHEREAS**, any arguable impact upon fair market value – however reasonable 59 or justified or minimal or incidental or temporary - resulting from state or local government 60 action could trigger a claim for the taxpayers to pay; and 61 62 WHEREAS, governments would be vulnerable to lawsuits for almost every 63 decision to regulate or not to regulate, making regular government function prohibitively expensive for the taxpayer; and 64 65 WHEREAS, similar efforts have been attempted and defeated in other states, 66 67 such as the states of Washington and Oregon; and 68 69 WHEREAS, the fiscal impact for similar language in Washington was estimated 70 at \$2 billion dollars for state agencies and \$1.5 billion for local governments over the first six 71 years; and 72 73 WHEREAS, individuals filed billions of dollars in claims in Oregon before the 74 residents repealed the takings initiative three years after its passage. 75 76 77 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF 78 THE CITY OF LITTLETON, COLORADO, THAT: 79 80 The City of Littleton opposes Amendment 74 and strongly urges a vote of NO 81 this November. 82 83 INTRODUCED, READ AND ADOPTED at a regularly scheduled meeting of the 84 City Council of the City of Littleton, Colorado, on the 2<sup>nd</sup> day of October, 2018, at 6:30 p.m. at 85 86 the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado. 87 88

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- 90 ATTEST:
- 91
- 92
- 93 Wendy Heffner
- 94 CITY CLERK
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- 96 APPROVED AS TO FORM:
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- 99 Lena McClelland
- 100 ASSISTANT CITY ATTORNEY
- 101
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Debbie Brinkman MAYOR