

RESOLUTION NUMBER 2018-101

**A RESOLUTION OPPOSING "INITIATIVE 108," A STATE CITIZEN INITIATIVE PROPOSING
TO AMEND THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT
STATE AND LOCAL GOVERNMENT REGULATORY AUTHORITY**

WHEREAS, on November 6, 2018, state voters may be asked to vote on Initiative 108, 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; and

WHEREAS, local government services are essential to the residents of Boulder County; and

WHEREAS, Initiative 108 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; and

WHEREAS, Initiative 108 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, 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; and

WHEREAS, Initiative 108 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; and

WHEREAS, Initiative 108 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; and

WHEREAS, Initiative 108 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, Initiative 108 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, Initiative 108 would make inherently dangerous or environmentally damaging activities prohibitively costly to attempt to limit or regulate, even in the interest of the public; 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 the taxpayers to pay; and

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; 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, 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 that the Boulder County Board of County Commissioners OPPOSES Initiative 108, and should Initiative 108 qualify for the 2018 state general election ballot, the Boulder County Board of County Commissioners urges residents to vote AGAINST the measure.

ADOPTED this 30th day of August, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
BOULDER COUNTY**



(Excused)

Cindy Domenico, Chair

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Elise Jones, Vice Chair

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Clerk to the Board

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Deb Gardner, Commissioner