

A PROCLAMATION OPPOSING “INITIATIVE 108”, AN ATTEMPT TO AMEND THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND LOCAL GOVERNMENT REGULATION AT A HIGH COSTS TO TAXPAYERS

WHEREAS, local government services are essential to the citizens of the City & County of Denver, and

WHEREAS, Initiative 108 has been written by certain corporate interests to change the text of the Colorado Constitution, Article II, Section 15, which dates back to 1876; 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, while Initiative 108 has 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, 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 traceable to any government law or regulation; and

WHEREAS, Initiative 108 would create uncertainty because it is not clear what the language actually means or how it can be applied; and

WHEREAS, Initiative 108 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

WHEREAS, Initiative 108 would drastically diminish the ability of our state and local governments to adopt reasonable regulations, limitations, and restrictions upon private property; and

WHEREAS, Initiative 108 would directly impact zoning, density limitations, and planned development; 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 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, there were \$4 billion dollars in claims in Oregon before the residents repealed the takings initiative two years after its passage.

NOW, THEREFORE, the Denver City Council opposes Initiative 108 and strongly urges a vote of NO this November.

Resolved this ____ of 2018

Mayor

Attest

Municipal Clerk