

**TOWN OF ERIE
RESOLUTION NUMBER __-2018**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE
OPPOSING INITIATIVE #108, A DANGEROUS ATTEMPT TO AMEND THE
COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND LOCAL
GOVERNMENT REGULATORY AUTHORITY**

WHEREAS, Initiative 2017-2018 #108 (Initiative #108) is currently being circulated for signatures in a well-funded effort to place a measure on the November 2018 general election ballot that would amend the Colorado Constitution;

WHEREAS, Initiative #108 is sponsored by the Colorado Farm Bureau, but funded by oil and gas corporations, primarily Anadarko, Noble and Extraction,

WHEREAS, the implications of Initiative #108 go far beyond oil and gas regulations and, if passed, Initiative #108 would constrain, if not paralyze, the ability of both state and local governments to regulate any activities on private property;

WHEREAS, Initiative #108 would substantially expand constitutional takings requirements for public compensation of private property owners, and in doing so, Initiative #108 would severely limit the ability of state and local governments to regulate the use of private property;

WHEREAS, Article II, § 15 of the Colorado Constitution, which has been a part of the Constitution since statehood in 1876, states in pertinent part that "Private property shall not be taken or damaged, for public or private use, without just compensation", and this is generally the same language as, and has been interpreted consistently with, the takings clause in the United States Constitution;

WHEREAS, Initiative #108 would require 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) traceable to any government law or regulation;

WHEREAS, if Initiative #108 passes, laws, ordinances, and regulations designed to protect public health and safety, the environment, our natural resources, public infrastructure, and other public resources would all be placed in severe jeopardy.

WHEREAS, if Initiative #108 passes, zoning, density limitations, and planned development would be directly impacted, and inherently dangerous or environmentally damaging activities would become prohibitively costly for our state and local governments to limit or regulate in the public interest;

WHEREAS, virtually 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 public compensation from a private property owner; and

WHEREAS, similar "takings initiative" efforts have been attempted and defeated in other states; and

WHEREAS, although cost estimates have not been completed for Colorado, the fiscal impact for similar language in the State of Washington was estimated at \$2 billion for state agencies and \$1.5 billion for county governments over the first six years, and in Oregon, there were \$4 billion in claims before takings initiative was repealed two years after its passage.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, that:

Section 1. The Board of Trustees for the Town of Erie opposes Initiative #108 and strongly urges voter to vote NO on Initiative at the election on November 6, 2018.

ADOPTED this ___ day of _____, 2018.

Jennifer Carroll, Mayor

ATTEST:

Jessica Koenig, Deputy Town Clerk