

RESOLUTION NO. _____, SERIES OF 2023

A RESOLUTION FOR THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS, FREMONT COUNTY, COLORADO, URGING VOTER OPPOSITION TO THE QUESTION THAT WILL APPEAR ON THE 2023 BALLOT AS STATE PROPOSITION HH

WHEREAS, The Fremont County Board of County Commissioners ("The Board") firmly believes that citizens should have a say in matters of taxation and public spending; and

WHEREAS, an informed vote requires clear and concise ballot language that adequately describes the full impact of a "yes" or "no" vote; and

WHEREAS, the Colorado General Assembly passed legislation signed into law by the Governor on May 24, 2023 known as Senate Bill 23-303, "Reduce Property Taxes And Voter-approved Revenue Change" which is a lengthy (48 page) bill with a 17 line formal title and 24 specific sections which is neither clear nor concise and contains a question referred for voter approval; and

WHEREAS, the referred ballot measure language specified is " "SHALL THE STATE REDUCE PROPERTY TAXES FOR HOMES AND BUSINESSES, INCLUDING EXPANDING PROPERTY TAX RELIEF FOR SENIORS, AND BACKFILL COUNTIES, WATER DISTRICTS, FIRE DISTRICTS, AMBULANCE AND HOSPITAL DISTRICTS, AND OTHER LOCAL GOVERNMENTS AND FUND SCHOOL DISTRICTS BY USING A PORTION OF THE STATE SURPLUS UP TO THE PROPOSITION HH CAP AS DEFINED IN THIS MEASURE?"; and

WHEREAS, the ballot question does not specify the amount of taxes to be reduced, does not specify what the expanded property tax relief for seniors consists of, does not specify the amount of backfill to various local government type or indicate this backfill will not be perpetual, does not indicate that the "state surplus" consists of tax dollars collected over the current TABOR cap that would otherwise be refunded, nor does it specify that the new TABOR cap defined in the measure would allow government to grow at a much greater rate than inflation and population; and

WHEREAS, the funding of schools in this manner was previously submitted to the people as Proposition CC in 2019 and failed to gain voter approval; and

WHEREAS, hiding this previously failed measure behind a vaguely worded promise of a property tax decrease which will in fact be much smaller than the amount of new tax dollars collected and kept by the state is misleading and potentially a violation of the State Constitution; and

WHEREAS, SB23-303 likely violates the "single subject" requirement found in the State Constitution by addressing multiple subjects (property tax relief, school funding, funds the housing

development grant fund, and establishes a tenant rent relief program) and may very well be overturned by the courts in future litigation.

NOW, THEREFORE, BE IT RESOLVED, THAT THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO officially declares its opposition to both SB23-303 and the referred measure it contains (Proposition HH) as they clearly violate the spirit, and likely the clear language, of the State Constitution, seem purposefully written to mislead voters into approving a measure they recently voted down in another form, and obscures the fact that passage would eliminate future TABOR refunds and further reduce the limits placed on the growth of government in this state; and

FINALLY, BE IT RESOLVED, that the Commission also urges all citizens of Fremont County and the State of Colorado to vote "No." on Proposition HH on the November 2023 ballot.

Commissioner _____ moved the adoption of the foregoing Resolution with a second by Commissioner _____. The roll call vote of the Board was as follows:

| | | | | |
|----------------|-----|-----|---------|--------|
| Debbie Bell | AYE | NAY | ABSTAIN | ABSENT |
| Kevin Grantham | AYE | NAY | ABSTAIN | ABSENT |
| Dwayne McFall | AYE | NAY | ABSTAIN | ABSENT |

The Resolution was declared to be duly adopted.

Date: _____

Chairman

Attest: _____

Clerk to the Board