

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: May 28, 2014

Board Item: II-B-2

Board Resolution in Opposition to Proposed Ballot Initiatives

Action by Consent

Action

Information

The Colorado Water Congress (CWC) has undertaken a special project called the Colorado Water Stewardship Project (CWSP). Its purpose is to ensure that CWC members and water stakeholders from around the state are prepared for any ballot initiatives that attempt to override Colorado's system of ownership and management of water resources. Denver Water is participating in that project.

Two such initiatives have been filed with the State and have cleared the Title Setting Board for review and are now under review in the Colorado Supreme Court. The CWSP is supporting legal actions before the Colorado Supreme Court, arguing that both initiatives violate the single subject requirement and contain flaws in the title language that will confuse the public. Both initiatives would make sweeping changes to the ownership, management, and regulation of natural resources in the state by declaring natural resources to be the common property of all the people of Colorado and imposing fiduciary obligations on government to conserve those resources.

Initiative 103 creates in the Colorado Constitution an "inalienable right" to clean air, clean water, and the preservation of the environment and natural resources. State government as trustee must maintain these resources for "all the people." Any citizen may sue the State for a perceived failure to fulfill its duties as trustee. This new right would be retroactive and could apply to existing projects or operations already approved by "any applicable local, state or federal permits." The initiative even makes it a criminal offense for a person seeking to use natural resources to "manipulate" data or reports.

Initiative 89 is much shorter but no less profound in its impact. This initiative adds natural and scenic "values" to the natural resources that would become the common property of all Coloradans, and imposes trustee responsibilities on local governments and well as the State. It also restructures the balance of state and local government regulatory jurisdiction by providing that the most restrictive regulation prevails, regardless of subject matter.

The Board is entitled under state law to pass a resolution and take a position of advocacy on any issue of public importance. The attached Resolution takes a position opposing Initiatives 89 and 103 based on the potential impacts to the existing structure of natural resource management and to Denver Water's water rights and operations.

Recommendation:

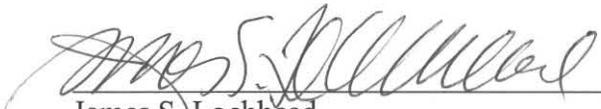
It is recommended that the Board adopt the Resolution of the Denver Board of Water Commissioners in opposition to Initiatives 89 and 103.

Approvals:

Respectfully submitted,



Patricia Wells
General Counsel



James S. Lochhead
CEO/Manager



Sally Covington
Director of Public Affairs