

RESOLUTION AUTHORIZING LITIGATION AGAINST STATE OF COLORADO TO CHALLENGE PROVISIONS OF COLORADO REVISED STATUTES RELATED TO THE SEVERENCE TAX FUND

WHEREAS, pursuant to C.R.S. §§30-11-101(1)(a) and 30-11-107(1)(e), the Montezuma County Board of County Commissioners (“BOCC”) ha the authority to represent and manage concerns of the County, and has the authority to authorize litigation on behalf of the County; and

WHEREAS, the Colorado General Assembly enacted Colorado House Bill 24-1413, which provided for \$25,000,000 to be transferred from the Local Government Severance Tax Fund to the State of Colorado’s General Fund in order to balance the State’s budget, in contravention of the statutory mandate that such funds “shall be distributed” to impacted and contributing local governments; and

WHEREAS, the transfer will likely draw the Local Government Severance Tax Fund balance to zero or will substantially deplete the Local Government Fund; and

WHEREAS, as a result of the depletion of the Local Government Fund, Local Governments including Montezuma County and its communities will be deprived of critical funds on which they have come to heavily rely, and on which they intended to rely moving forward for established and new service programs alike; and

WHEREAS, depriving Montezuma County and its communities of these critical funds and services will injure Montezuma County, its communities, and its people; and

WHEREAS, the transfer of Local Government Severance Tax Fund money to the General Fund as provided for by H.B. 24-1413 is in contravention of the mandate of C.R.S. §§ 39-29-110(1)(b)(I) and (1)(c)(I) that such funds “shall be distributed” to impacted and contributing local governments, and such transfer and deprivation of Montezuma County’s Local Government Fund distributions is unlawful; and

WHEREAS, Mesa County, Colorado is filing a verified complaint against the State of Colorado challenging the aforementioned law; and


WHEREAS, the Montezuma County BOCC wishes to join the litigation in support of Mesa County in order to protect the interests of Montezuma County, its communities and its citizens.

NOW THEREFORE BE IT RESOLVED that the Montezuma County Board of County Commissioners hereby authorizes the Montezuma County Attorney to take whatever steps are necessary to join Montezuma County as a party to Mesa County’s litigation against the State of Colorado.

BE IT FURTHER RESOLVED that the County Attorney is hereby authorized and appointed on behalf of the Board to execute and file any and all documents necessary to carry out the intent of the Board as described herein.

Approved and adopted this 6th day of August, 2024.

BOARD OF COUNTY COMMISSIONERS,
MONTEZUMA COUNTY, COLORADO



County Clerk and Recorder
Montezuma County, Colorado



Gerald Koppenhafer



Kent Lindsay



Jim Candelaria