

RESOLUTION NO. 11-180

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

Resolution to authorize the County Attorney's Office to intervene in the litigation matter known as Kerr, et al. v. State of Colorado, U.S. District Court Case No. 11-cv-01350-WJM.

WHEREAS, pursuant to C.R.S. § 30-11-101(1)(e), and 30-11-107(1)(e) the Board of County Commissioners of the County of El Paso, State of Colorado, (hereinafter "Board" or "County"), has the legislative authority to exercise such powers as are conferred by law, when deemed to be in the best interests of the County; and

WHEREAS, there is a pending litigation matter known as Andy Kerr, Colorado State Representative, *et al.* v. State of Colorado, U.S. District Court Case Number 11-cv-01350-WHM, pertaining to the Taxpayer's Bill of Rights ("TABOR"); and

WHEREAS, a Complaint for Injunctive and Declaratory Relief was filed with the Court in this matter on May 23, 2011, requesting, among other things, a declaration that the TABOR Amendment is "facially unconstitutional" and requesting an Order "prohibiting any state officer from taking any action whatsoever to effect the requirements and purposes of the TABOR amendment"; and

WHEREAS, the TABOR Amendment to Article X of the Colorado Constitution, was approved by the voters of the State of Colorado in 1992, and provides a restraint on the growth of government and limitations on the taxing authority of all levels of government in the State of Colorado; and

WHEREAS, the aforementioned "TABOR lawsuit" may impact the citizens of El Paso County, therefore intervention in the lawsuit is appropriate to ensure that the citizens of El Paso County have an opportunity to be heard and represented in this matter; and

BE IT RESOLVED, that the Board finds it necessary for the welfare of the citizens of El Paso County, Colorado, to authorize the County Attorney's Office to intervene in the litigation matter known as Andy Kerr, Colorado State Representative, *et al.* v. State of Colorado, U.S. District Court Case Number 11-cv-01350-WHM.


BE IT FURTHER RESOLVED, that Amy Lathen, duly elected, qualified member and Chair of the Board of County Commissioners, or Sallie Clark, duly elected, qualified member and Vice Chair of the Board of County Commissioners be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

WAYNE W. WILLIAMS El Paso County, CO
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DONE THIS ____ day of May 26, 2011, at Colorado Springs, Colorado.

**BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

ATTEST:

By: 
Wayne W. Williams
Clerk and Recorder

By: 
Amy Lathen, Chair

