

RESOLUTION NO.
TOWN OF BERTHOUD, COLORADO

WHEREAS, the State of Colorado relies upon local governments to carry out many licensing and regulatory activities and should provide local governments and their taxpayers with sufficient protection to exercise that responsibility without the fear of expensive antitrust litigation and liability;

WHEREAS, the exposure of municipalities in Colorado and throughout the country to antitrust lawsuits has been expanded as a result of recent decisions of the United States Supreme Court;

WHEREAS, the potential for damage awards and the substantial expense of defending antitrust litigation, even if successful, may inhibit municipalities from enacting or enforcing regulations which protect the public health, safety and welfare, but which also may be deemed to restrict competition;

WHEREAS, at least five Colorado municipalities already have been sued under the antitrust laws;

WHEREAS, other Colorado municipalities have been threatened with antitrust lawsuits for licensing or regulatory decisions;

WHEREAS, the cost to the taxpayers of Berthoud, Colorado, in defending one federal antitrust lawsuit, could be as much as one-quarter million dollars;

WHEREAS, municipalities differ from private enterprise in that private enterprise is not charged with protecting the public health, safety and welfare through licensing and regulation;

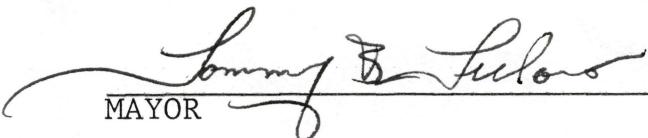
WHEREAS, numerous protections from municipal licensing and regulatory actions, other than damages under the antitrust laws, are available such as, public notice, public hearing, public meeting and public record requirements, court review of actions, periodic elections and the rights of initiative, referendum and recall, and the continuing authority of the General Assembly or the people of Colorado to modify the statutory or constitutional authority of Colorado's municipalities;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BERTHOUD, COLORADO, that the Colorado General Assembly should act as quickly as possible to adopt H.B. 1134 in order to protect local governments and their taxpayers from expensive antitrust litigation and liability for local licensing and regulatory activity and that the

Town support efforts of the Colorado Municipal League in this regard.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Berthoud, Colorado, held on February 26, 1985.

TOWN OF BERTHOUD:



MAYOR

ATTEST:



TOWN CLERK