

PUBLIC COPY

DISTRICT COURT, WELD COUNTY, COLORADO 901 9th Ave P.O. Box 2038 (80632) Greeley, CO 80631 Telephone: 970-475-2400		
Plaintiff: ELIJAH HATCH, resident and taxpayer of Weld County, Colorado, v. Defendant: THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD, COLORADO.		
		▲ COURT USE ONLY ▲
<i>Attorneys for Plaintiff, Elijah Hatch:</i> Sean D. G. Camacho, #49906 Morgan B. Murphy, #59426 Taylor J. Vogel, #62992 DENTONS US LLP 1900 16th Street, Suite 1350 Denver, Colorado 80202 Telephone: (303) 634-4000 Facsimile: (303) 634-4400 Email: sean.camacho@dentons.com morgan.murphy@dentonsgov.us taylor.vogel@dentonsgov.us		Case Number: Div./Ctrm.:
VERIFIED COMPLAINT AND JURY DEMAND		

Plaintiff, Elijah Hatch (“Hatch”), states the following for his Verified Complaint and Jury Demand against Defendant, The Board of County Commissioners of the County of Weld, Colorado (“Weld County,” the “County,” or “Defendant”):

INTRODUCTION

This lawsuit challenges Weld County’s decision to commit nearly half a billion dollars of taxpayer money to construct a new Judicial Center complex (the “Judicial Center”) in Greeley, Colorado, without submitting the expenditure to a vote of the people. The project will cost approximately \$490 million, yet Defendant has refused to seek voter approval despite clear mandates in both the Colorado Constitution and the Weld County Home Rule Charter (the

“Charter”). The Taxpayer Bill of Rights (“TABOR”) prohibits local governments from creating multi-year financial obligations without voter approval unless they have adequate present cash reserves irrevocably pledged to cover all future payments. Weld County has no such reserves; the County’s own budget documents reveal it is counting on future property tax collections to pay for this project. Section 14-8 of the Charter similarly requires that any single project requiring capital expenditure from ad valorem tax funds equal to a three mill levy for three years (approximately \$177 million) must first be submitted to a vote of qualified electors. The Judicial Center will cost nearly three times that threshold. Yet Weld County’s Board of County Commissioners has declared that no vote is forthcoming. TABOR represents the will of Colorado voters, and Weld County residents have likewise relied on the Charter’s voter-approval requirements to ensure that major capital projects reflect the judgment of the electorate. The citizens of Weld County adopted these protections to maintain a voice in significant fiscal decisions. By proceeding without a vote, the County is circumventing the voter-approval framework that both Colorado voters and Weld County citizens established.

THE PARTIES

1. Hatch is an individual citizen and resident of Weld County, a property owner, and a taxpayer in Weld County who is subject to and has paid the ad valorem tax levied by the County, including the mill levy funding the Capital Expenditures Fund.

2. Hatch paid property taxes to Weld County in 2025 and 2026, a portion of which was allocated to the Capital Expenditures Fund.

3. The County is using the Capital Expenditures Fund to pay for the Judicial Center, and Hatch will be required to continue paying property taxes that fund the ongoing multi-year expenditures for the Judicial Center project.

4. Defendant is a home-rule county and political subdivision of the State of Colorado, organized and existing under Article XIV of the Colorado Constitution and governed by the Charter.

5. Defendant’s offices are located at the Weld County Administration building, 1150 O Street, P.O. Box 758, Greeley, Colorado, 80631.

JURISDICTION AND VENUE

6. This Court has sweeping general jurisdiction over this action.

7. Venue is proper in this Court under C.R.C.P. 98(b) because Defendant resides in Weld County, Colorado, the claims arise out of acts done in this county, and Defendant is the governing body of this county.

8. The Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*, does not bar this action. Sovereign immunity does not apply to claims for declaratory or injunctive relief

to enforce constitutional provisions, including TABOR, or to claims seeking to enjoin ultra vires government action that exceeds the County's lawful authority under the Charter.

ALLEGATIONS

The Judicial Center Project

9. Defendant has undertaken a multi-year program to construct the Judicial Center in Greeley, Colorado, as part of the Weld County Facilities Master Plan.

10. The Judicial Center is estimated to cost approximately \$490 million, with expenditures scheduled across fiscal years 2026 through 2030.

11. Weld County has already expended funds on the Judicial Center project, including payments for master planning, site selection, design services, and procurement activities.

12. Construction of the Judicial Center is scheduled to commence on or about November 1, 2026.

13. The County intends to enter or has already entered into binding contracts for design, engineering, and construction services that obligate it to make payments in fiscal years 2026, 2027, 2028, 2029, and 2030.

14. Defendant has stated that it will not submit the Judicial Center expenditure to a vote of the people.

15. Once construction commences, Hatch and other Weld County taxpayers will suffer specific, immediate, and irreparable harm. The expenditure of taxpayer funds on construction activities cannot be recovered, and the constitutional and charter protections afforded to Weld County taxpayers, including the right to vote on significant capital expenditures, will be permanently lost. Absent judicial intervention before construction begins, any future court order requiring voter approval will be rendered ineffective, as hundreds of millions of dollars in taxpayer funds will have already been expended.

Section 14-8 of the Charter

16. Weld County is a home-rule county that adopted the Charter, which went into effect in 1976.

17. Section 14-8 of the Charter provides that:

- a. Any one project, except hospital projects, **requiring a capital expenditure out of funds procured by ad valorem taxation equal to a three mill levy for three years**, or a hospital project requiring a capital expenditure from ad valorem tax funds equal to a three mill levy for three years, **shall be prohibited until such time as the question of**

expenditure of said funds shall have been first submitted to a vote of the qualified electors at a general or special election and shall have received a majority vote approving such expenditure.

Weld County Home Rule Charter, art. XIV, § 14-8 (emphasis added).

18. Section 14-8 requires voter approval for any single project requiring capital expenditure from ad valorem tax funds exceeding a three mill levy for three years, approximately \$177 million.

19. The Judicial Center will cost approximately \$490 million, nearly three times the \$177 million threshold.

20. All funding for the Judicial Center flows through Weld County's Capital Expenditures Fund, which is financed by a dedicated ad valorem property tax mill levy.

21. Because the Judicial Center expenditure exceeds the three-mill-levy-for-three-years threshold and is paid from funds procured by ad valorem taxation, Section 14-8 requires voter approval regardless of whether the County seeks to levy additional taxes.

22. Defendant has not submitted the Judicial Center expenditure to a vote of the people as required by Section 14-8.

TABOR

23. In 1992, Colorado voters approved TABOR, which amended the Colorado Constitution to require, among other things, voter approval before local governments may create multi-year financial obligations.

24. TABOR requires that "districts must have voter approval in advance for...creation of any multiple-fiscal year direct or indirect district debt or other financial obligation whatsoever without **adequate present cash reserves pledged irrevocably and held for payments in all future fiscal years.**" Colo. Const., art. X, § 20(4) (emphasis added).

25. Exceptions to the vote requirement for multi-year financial obligations include refinancing debt at a lower rate and additions to pension plans. Neither exception applies to the Judicial Center project.

26. The Judicial Center project constitutes a multi-year financial obligation. The County plans to enter or has entered into binding contracts for design, engineering, and construction services that obligate it to make payments across fiscal years 2026 through 2030.

27. Weld County has not irrevocably pledged any cash reserves to the Judicial Center project. The County has not adopted any resolution, established any escrow, or taken any other action to irrevocably pledge present cash reserves to cover all Judicial Center expenditures through project completion.

28. Weld County is dependent upon future property tax collections to pay for the Judicial Center project. Without adequate present cash reserves irrevocably pledged, TABOR requires voter approval for this multi-year financial obligation.

The Capital Expenditures Fund

29. Weld County has stated that it has “sufficient funds available to construct” the Judicial Center. However, a review of Weld County’s budget and Capital Expenditures Fund demonstrate otherwise.

30. All funding for the Capital Program flows through the Capital Expenditures Fund, which is financed with ad valorem property tax mill levy representing approximately 27–28% of the County’s total mill levy.

31. Weld County’s own five-year capital schedule commits specific dollar amounts to the Judicial Center and related projects in specific future years¹:

- a. 2027: \$71.8 million for Judicial Center Projects
- b. 2028: \$153.2 million for Judicial Center Projects
- c. 2029: \$120.9 million for Judicial Center Projects
- d. 2030: \$72 million for related costs

32. Weld County cannot irrevocably pledge present cash reserves because the County’s budget confirms present cash reserves are not available in the amounts required to cover Judicial Center payments for all future fiscal years, and the County is relying on uncollected tax revenue to fund the Judicial Center project.

FIRST CLAIM FOR RELIEF

C.R.S. §§ 13-51-101 *et seq.* (Uniform Declaratory Judgment Law) Declaratory Judgment - Violation of TABOR

33. Hatch incorporates all preceding paragraphs above by reference.

34. Under Colo. Const. art. X, § 20(1), any individual may enforce TABOR’s provisions.

35. Hatch has standing to bring this action.

¹ Weld County has approved the development of a new County administration building in tandem with the Judicial Center, stating that a new County administration building is needed “when the courts move to the new judicial center.”

36. A substantial controversy has arisen and now exists between the parties concerning the applicability of Article X, Section 20 of the Colorado Constitution's voter approval requirement for the construction of the Judicial Center.

37. The Judicial Center project does not comply with TABOR's requirements.

38. The County's failure to comply with TABOR has and will continue to harm Hatch's rights.

39. A judicial declaration is necessary and appropriate at this time in order that each of the parties may know their respective rights and duties under TABOR and act accordingly.

40. A judicial declaration would terminate the controversy between the parties.

SECOND CLAIM FOR RELIEF

C.R.S. §§ 13-51-101 *et seq.* (Uniform Declaratory Judgment Law) Declaratory Judgment – Violation of Section 14-8 of the Charter

41. Hatch incorporates all preceding paragraphs above by reference.

42. Section 14-8 of the Charter expressly prohibits "capital expenditure out of funds procured by ad valorem taxation" exceeding the three-mill-levy-for-three-years threshold without voter approval.

43. Hatch has standing to bring this action.

44. A substantial controversy has arisen and now exists between the parties, concerning whether Defendant has failed and is failing to comply with the requirements of Section 14-8 of the Charter.

45. The Judicial Center project does not comply with Section 14-8 of the Charter.

46. The County's failure to comply with Section 14-8 of the Charter has and will continue to harm Hatch's rights.

47. A judicial declaration is necessary and appropriate at this time in order that each of the parties may know their respective rights and duties under Section 14-8 of the Charter and act accordingly.

48. A judicial declaration would terminate the controversy between the parties.

JURY DEMAND

Hatch demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF Hatch respectfully requests that this Court enter judgment in his favor and against Defendant as follows:

- a. A declaratory judgment that Defendant violated Colo. Const. Art. X, § 20 (TABOR) by creating a multi-year financial obligation for the Judicial Center project without voter approval;
- b. A declaratory judgment that Defendant violated Section 14-8 of the Charter by proceeding with capital expenditures from ad valorem tax funds exceeding the three-mill-levy-for-three-years threshold without voter approval;
- c. A preliminary injunction: (i) enjoining Defendant from continuing construction of the Judicial Center project; and (ii) enjoining Defendant from making any further expenditures on the Judicial Center project, including but not limited to payments for design, engineering, construction, demolition, procurement, or any other costs associated with the Judicial Center, until such time as the question of expenditure has been submitted to and approved by a vote of the qualified electors of Weld County in compliance with TABOR and Section 14-8 of the Charter;
- d. An award of Hatch's costs and attorneys' fees incurred in this action; and
- e. Such other and further relief as this Court deems equitable, just, and proper.

Dated: August 13, 2026

DENTONS US LLP

s/ Sean D. G. Camacho

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