

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0955.01 Esther van Mourik x4215

HOUSE BILL 17-1198

HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

Gardner,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY FOR A SPECIAL DISTRICT TO INCREASE**
102 **THE NUMBER OF BOARD MEMBERS FROM FIVE TO SEVEN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a special district having a 5-member board to increase the number of board members to 7 by the adoption of a resolution by the board and the approval of the resolution by the board of county commissioners or the governing body of the municipality that approved the service plan of the special district. If an increase is made, a board cannot be reduced back to 5 members. The bill also specifies the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended
March 23, 2017

HOUSE
3rd Reading Unamended
March 7, 2017

HOUSE
Amended 2nd Reading
March 6, 2017

length of the initial term of each new special district board member and sets forth the election requirements.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 32-1-902.5 as
3 follows:

4 **32-1-902.5. Increasing the number of board members.**

5 (1) (a) A SPECIAL DISTRICT HAVING A FIVE-MEMBER BOARD MAY
6 INCREASE THE NUMBER OF BOARD MEMBERS TO SEVEN BY THE ADOPTION
7 OF A RESOLUTION BY THE BOARD AND THE APPROVAL OF THE RESOLUTION
8 AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION. THE BOARD SHALL
9 CONSIDER THE RESOLUTION AT A PUBLIC MEETING AFTER PUBLICATION OF
10 NOTICE REGARDING THE PLACE, TIME, AND DATE OF THE MEETING AND OF
11 THE PROPOSED INCREASE IN THE NUMBER OF BOARD MEMBERS. PUBLIC
12 INPUT MUST BE ALLOWED AT THE MEETING.

13 (b) UPON ADOPTING A RESOLUTION PURSUANT TO SUBSECTION
14 (1)(a) OF THIS SECTION, THE BOARD SHALL FILE A CERTIFIED COPY OF THE
15 RESOLUTION WITH THE BOARD OF COUNTY COMMISSIONERS OR GOVERNING
16 BODY OF THE MUNICIPALITY THAT APPROVED THE SERVICE PLAN OF THE
17 SPECIAL DISTRICT PURSUANT TO SECTION 32-1-204.5, 32-1-204.7, OR
18 32-1-205. IF, NO LATER THAN FORTY-FIVE DAYS AFTER THE FILING OF THE
19 CERTIFIED COPY OF THE RESOLUTION, NEITHER THE BOARD OF COUNTY
20 COMMISSIONERS NOR THE GOVERNING BODY OF THE MUNICIPALITY HAS
21 NOTIFIED THE BOARD THAT IT CONSIDERS THE PLAN TO INCREASE THE
22 NUMBER OF BOARD MEMBERS TO SEVEN TO BE A MATERIAL MODIFICATION
23 OF THE DISTRICT'S APPROVED SERVICE PLAN, THE BOARD SHALL FILE THE
24 RESOLUTION WITH THE CLERK OF THE COURT, AND THE COURT SHALL
25 ENTER AN EX PARTE ORDER ESTABLISHING THE NUMBER OF THE BOARD

1 MEMBERS. THE BOARD SHALL RECORD A CERTIFIED COPY OF THE ORDER IN
2 THE OFFICE OF THE COUNTY CLERK AND RECORDER IN EACH COUNTY
3 WHERE THE SPECIAL DISTRICT IS ORGANIZED AND SHALL FILE A RECORDED
4 CERTIFIED COPY OF THE ORDER WITH THE DIVISION.

5 (2) (a) IF A SPECIAL DISTRICT INCREASES THE NUMBER OF BOARD
6 MEMBERS TO SEVEN AS ALLOWED IN SUBSECTION (1) OF THIS SECTION, THE
7 ADDITIONAL DIRECTORS SHALL SERVE AS FOLLOWS:

8 (I) ONE PERSON ■ IS ELECTED AT THE NEXT REGULAR SPECIAL
9 DISTRICT ELECTION FOLLOWING THE DATE OF OFFICIAL RECORDING OF THE
10 CERTIFIED COPY OF THE ORDER DESCRIBED IN SUBSECTION (1)(b) OF THIS
11 SECTION, OR A SPECIAL ELECTION CALLED FOR THE PURPOSE OF ELECTING
12 ADDITIONAL DIRECTORS, TO SERVE AN ORIGINAL TERM EXPIRING AT THE
13 NEXT REGULAR SPECIAL DISTRICT ELECTION THEREAFTER; AND

14 (II) ONE PERSON ■ IS ELECTED AT THE NEXT REGULAR SPECIAL
15 DISTRICT ELECTION FOLLOWING THE DATE OF OFFICIAL RECORDING OF THE
16 CERTIFIED COPY OF THE ORDER DESCRIBED IN SUBSECTION (1)(b) OF THIS
17 SECTION, OR A SPECIAL ELECTION CALLED FOR THE PURPOSE OF ELECTING
18 ADDITIONAL DIRECTORS, TO SERVE AN ORIGINAL TERM EXPIRING AT THE
19 SECOND REGULAR SPECIAL DISTRICT ELECTION THEREAFTER.

20 (b) AFTER THE ORIGINAL TERMS SET FORTH IN SUBSECTION (2)(a)
21 OF THIS SECTION, THE ADDITIONAL DIRECTORS SHALL SERVE FOUR-YEAR
22 TERMS.

23 (3) IF A SPECIAL DISTRICT INCREASES TO A SEVEN-MEMBER BOARD
24 AS ALLOWED IN THIS SECTION, THE SPECIAL DISTRICT IS NOT ALLOWED TO
25 REDUCE TO A FIVE-MEMBER BOARD.

26 **SECTION 2. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.