

CHAPTER 11

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 93-1054

BY REPRESENTATIVES June, Fleming, Hagedorn, Lawrence, Snyder, and Tucker;
also SENATOR Lacy.

AN ACT

CONCERNING THE ELIMINATION OF THE TIME LIMITATION ON ANY CONTRACT ENTERED INTO BY ANY METROPOLITAN SEWAGE DISPOSAL DISTRICT.

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

SECTION 1. 32-4-507 (1) (c) and (1) (j), Colorado Revised Statutes, are amended to read:

32-4-507. Powers of public bodies. (1) The governing body of any municipality or other public body, upon its behalf and in its name, for the purpose of aiding and cooperating in any project authorized in this part 5, upon the terms and with or without consideration and with or without an election, as the governing body determines, has power under this part 5:

(c) To enter into any agreement or joint agreement between or among the federal government, the district, and any other public body, or any combination thereof, ~~extending over any period not exceeding fifty years,~~ which is mutually agreed thereby, notwithstanding any law to the contrary, respecting action or proceedings appertaining to any power granted in this part 5, and the use or joint use of any facilities, project, or other property authorized in this part 5;

(j) To continue any agreement authorized in this part 5 ~~for a definite term not exceeding fifty years,~~ or until rescinded or terminated, which agreement may provide for the method by which it may be rescinded or terminated by any party.

SECTION 2. 32-4-510 (1) (k), (1) (r) (I), and (1) (s) and the introductory portion to 32-4-510 (1) (cc), Colorado Revised Statutes, as amended, are amended to read:

32-4-510. Powers of the district. (1) Any district has the following powers:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(k) To acquire, hold, operate, maintain, equip, improve, and dispose of a sewage disposal system and appurtenant works or any interest therein, wholly within the district, or partially within and partially without the district, and wholly within, wholly without, or partially within and partially without any public body all or any part of the area of which is situated within the district; to acquire and, subject to mortgages, deeds of trust, or other liens, or otherwise, to hold, operate, maintain, equip, improve, and dispose of property of every kind appertaining to any such sewage disposal system and any improvements thereto, and necessary or convenient to the full exercise of any power provided in this part 5; to pay or otherwise defray the cost of any project; to pay or otherwise defray and to contract so to pay or defray, ~~for any term not exceeding fifty years~~; without an election, the principal of, any interest on, and any other charges appertaining to any securities or other obligations of any municipality or person incurred in connection with any such property so acquired by the district; and to establish and maintain facilities within or without the district, across or along any public street, highway, bridge, viaduct, or other public right-of-way, or in, upon, under, or over any vacant public lands, which public lands are the property of the state, or across any stream of water or watercourse, without first obtaining a franchise from the municipality, county, or other public body having jurisdiction over the same, but the district shall cooperate with any public body having such jurisdiction, shall promptly restore any such street, highway, bridge, viaduct, or other public right-of-way to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to impair completely or unnecessarily the usefulness thereof;

(r) (I) To enter, without an election, into joint operating or service contracts and agreements, acquisition, improvement, or disposal contracts or other arrangements ~~for any term not exceeding fifty years~~, with any municipality or person concerning sewage facilities, sewers, sewer system, intercepting sewers, project or sewage disposal system, and any water and water rights appertaining thereto, whether acquired by the district or by any public body or other person, and to accept grants and contributions from any public body or other person in connection therewith; and when determined by the board to be in the public interest and necessary for the protection of the public health, to enter into and perform, without an election, contracts and agreements ~~for any term not exceeding fifty years~~, with any municipality or person for the provision and operation by the district of sewage facilities, sewers, sewer system, intercepting sewers, and a project or sewage disposal system to abate or reduce the pollution of waters or other nuisance caused by discharges of sewage, liquid wastes, solid wastes, night soil, and industrial wastes by the municipality or person, and for the payment periodically by the municipality or person to the district of amounts at least sufficient, in the determination of the board, to compensate the district for the cost of providing, operating, and maintaining the sewage facilities, sewers, sewer system, intercepting sewers, project, or sewage disposal system serving such municipality or person.

(s) To enter into and perform, without an election, contracts and agreements with any municipality or person for or concerning the planning, construction, lease, or other acquisition, operation, maintenance, improvement, equipment, disposal, and the financing of any project. ~~including but not necessarily limited to any contract or agreement for any term not exceeding fifty years.~~

(cc) To provide, by any contract, ~~for any term not exceeding fifty years, or otherwise~~, without an election:

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 4, 1993