

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

INTRODUCED

LLS NO. 17-0955.01 Esther van Mourik x4215

HOUSE BILL 17-1198

HOUSE SPONSORSHIP

Gray,

SENATE SPONSORSHIP

(None),

House Committees

Local Government

Senate Committees

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.

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 APPOINTED BY THE BOARD FOR AN INITIAL TERM
9 UNTIL A DIRECTOR IS ELECTED AT THE NEXT REGULAR ELECTION
10 FOLLOWING THE DATE OF OFFICIAL RECORDING OF THE CERTIFIED COPY OF
11 THE ORDER DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION; AND

12 (II) ONE PERSON IS APPOINTED BY THE BOARD FOR AN INITIAL
13 TERM UNTIL A DIRECTOR IS ELECTED AT THE SECOND REGULAR ELECTION
14 FOLLOWING THE DATE OF OFFICIAL RECORDING OF THE CERTIFIED COPY OF
15 THE ORDER DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

16 (b) UNTIL THE SPECIFIED ELECTION, THE TWO DIRECTORS MUST BE
17 APPOINTED AND ANY VACANCIES MUST BE FILLED PURSUANT TO SECTION
18 32-1-905.

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

22 **SECTION 2. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.