

## CHAPTER 119

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**GOVERNMENT - SPECIAL DISTRICTS**

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**HOUSE BILL 17-1198**

BY REPRESENTATIVE(S) Gray, Becker K., Lebsock, Leonard, Valdez;  
also SENATOR(S) Gardner, Fields, Tate.

**AN ACT**

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

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

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

**32-1-902.5. Increasing the number of board members.** (1) (a) A SPECIAL DISTRICT HAVING A FIVE-MEMBER BOARD MAY INCREASE THE NUMBER OF BOARD MEMBERS TO SEVEN BY THE ADOPTION OF A RESOLUTION BY THE BOARD AND THE APPROVAL OF THE RESOLUTION AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION. THE BOARD SHALL CONSIDER THE RESOLUTION AT A PUBLIC MEETING AFTER PUBLICATION OF NOTICE REGARDING THE PLACE, TIME, AND DATE OF THE MEETING AND OF THE PROPOSED INCREASE IN THE NUMBER OF BOARD MEMBERS. PUBLIC INPUT MUST BE ALLOWED AT THE MEETING.

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

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

COUNTY WHERE THE SPECIAL DISTRICT IS ORGANIZED AND SHALL FILE A RECORDED CERTIFIED COPY OF THE ORDER WITH THE DIVISION.

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

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

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

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

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

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 6, 2017