

CHAPTER 76

GOVERNMENT - SPECIAL DISTRICTS

HOUSE BILL 96-1023

BY REPRESENTATIVES Armstrong, DeGette, and Young;
also SENATOR Mutzebaugh.

AN ACT

CONCERNING THE INCLUSION OF ADDITIONAL SPECIFIED AREAS WITHIN CERTAIN SPECIAL DISTRICT BOUNDARIES.

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

SECTION 1. Article 9 of title 32, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

32-9-106.4. Additional district areas - Adams county. (1) IN ADDITION TO THE AREAS OF ADAMS COUNTY DESCRIBED IN SECTION 32-9-106, THE FOLLOWING AREA IN ADAMS COUNTY OR ANY PORTION THEREOF MAY BE INCLUDED IN THE DISTRICT AS PROVIDED BY SUBSECTION (2) OF THIS SECTION:

BEGINNING AT A POINT ON BOX ELDER CREEK WHERE IT INTERSECTS THE NORTHERN RIGHT-OF-WAY LINE OF 56TH AVENUE IN RANGE SIXTY-FIVE WEST, TOWNSHIP THREE SOUTH IN ADAMS COUNTY; THENCE EASTERLY ALONG SAID NORTHERN RIGHT-OF-WAY LINE OF 56TH AVENUE TO THE EASTERN RIGHT-OF-WAY LINE OF PETTERSON MILE ROAD IN RANGE SIXTY-FOUR, TOWNSHIP THREE SOUTH; THENCE SOUTHERLY ALONG SAID EASTERN RIGHT-OF-WAY LINE OF PETTERSON MILE ROAD TO THE SOUTHERN RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 70 (I-70); THENCE WESTERLY ALONG SAID SOUTHERN RIGHT-OF-WAY OF I-70 TO A POINT WHERE IT INTERSECTS BOX ELDER CREEK; THENCE NORTHERLY ALONG BOX ELDER CREEK TO THE POINT OF BEGINNING.

(2) (a) THE AREA DESCRIBED IN SUBSECTION (1) OF THIS SECTION OR ANY PORTION THEREOF MAY BE INCLUDED IN THE DISTRICT IF THE FOLLOWING REQUIREMENTS ARE MET:

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

(I) A PROPOSAL TO INCLUDE THE SPECIFIED AREA IN THE DISTRICT IS INITIATED BY ANY OF THE FOLLOWING METHODS:

(A) A PETITION REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING THE SPECIFIED AREA IN THE DISTRICT IS SIGNED BY AT LEAST EIGHT PERCENT OF THE ELIGIBLE ELECTORS IN THE SPECIFIED AREA PROPOSED TO BE INCLUDED IN THE DISTRICT;

(B) A RESOLUTION REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING A MUNICIPALITY OR PART OF A MUNICIPALITY IN THE DISTRICT IS ADOPTED BY THE GOVERNING BODY OF THE MUNICIPALITY; OR

(C) A RESOLUTION REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING A SPECIFIED UNINCORPORATED AREA IN THE DISTRICT IS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY;

(II) AN ELECTION IS HELD AND CONDUCTED IN ACCORDANCE WITH ARTICLES 1 TO 13 OF TITLE 1, C.R.S., AND THE FOLLOWING REQUIREMENTS:

(A) THE ELECTION SHALL BE HELD EITHER AT THE GENERAL ELECTION IN 1996, 1998, OR 2000, AS DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY, IF THE MUNICIPALITY OR PART OF THE MUNICIPALITY IS PROPOSED TO BE INCLUDED IN THE DISTRICT, OR THE BOARD OF COUNTY COMMISSIONERS.

(B) THE BALLOT SHALL PROVIDE FOR THE ELIGIBLE ELECTORS IN THE SPECIFIED AREA PROPOSED TO BE INCLUDED IN THE DISTRICT TO VOTE FOR OR AGAINST THE INCLUSION OF THE PROPOSED AREA IN THE REGIONAL TRANSPORTATION DISTRICT, THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT, AND THE DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT, WHICH DISTRICTS PURSUANT TO SECTIONS 32-13-104 AND 32-14-104 HAVE COTERMINOUS BOUNDARIES UNLESS COTERMINOUS BOUNDARIES ARE REJECTED BY THE ELECTORS IN AN ELECTION PROVIDED BY THIS SUBSECTION (2).

(C) THE ELECTION BALLOT SHALL BE IN THE FORM DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY, IF THE MUNICIPALITY OR PART OF THE MUNICIPALITY IS PROPOSED TO BE INCLUDED IN THE DISTRICT, OR THE BOARD OF COUNTY COMMISSIONERS.

(D) THE BALLOT SHALL CONTAIN A DESCRIPTION OF THE SPECIFIED AREA PROPOSED TO BE INCLUDED IN THE DISTRICT, WHICH SPECIFIED AREA MAY BE VOTED ON SEPARATELY.

(E) THE BALLOT SHALL CONTAIN THE CURRENT RATE OF SALES TAX LEVIED BY THE REGIONAL TRANSPORTATION DISTRICT, THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT, AND THE DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT.

(F) THE BALLOT SHALL CONTAIN THE FOLLOWING QUESTIONS: "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE REGIONAL TRANSPORTATION DISTRICT?"; "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE DENVER METROPOLITAN SCIENTIFIC AND CULTURAL FACILITIES DISTRICT?"; AND

"SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE DENVER METROPOLITAN MAJOR LEAGUE BASEBALL STADIUM DISTRICT?"

(b) THE GOVERNING BODY OF THE MUNICIPALITY, IF THE MUNICIPALITY OR PART OF THE MUNICIPALITY IS PROPOSED TO BE INCLUDED IN THE DISTRICT, OR THE BOARD OF COUNTY COMMISSIONERS SHALL CALL THE ELECTION AUTHORIZED BY THIS SECTION BY RESOLUTION. THE RESOLUTION SHALL STATE:

(I) THE OBJECT AND PURPOSE OF THE ELECTION;

(II) A DESCRIPTION OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT;

(III) THE DATE OF THE ELECTION; AND

(IV) THE NAME OF THE DESIGNATED ELECTION OFFICIAL WHO IS RESPONSIBLE FOR CONDUCTING THE ELECTION PURSUANT TO ARTICLES 1 TO 13 OF TITLE 1, C.R.S.

(3) THE AREA DESCRIBED IN SUBSECTION (1) OF THIS SECTION OR ANY PORTION THEREOF MAY BE INCLUDED IN THE DISTRICT AS PROVIDED BY THIS SECTION.

SECTION 2. 32-9-106 (1), Colorado Revised Statutes, as amended, is amended to read:

32-9-106. District area. (1) The area comprising the district shall consist of that part of Adams county excluding census enumeration districts 1, 2, and 3 of the east Adams division, as ~~such~~ THE districts and division are used by the United States bureau of the census in designation of land areas for purposes of the 1970 census AND THOSE PARTS OF ADAMS COUNTY AS PROVIDED BY SECTION 32-9-106.4, that part of Arapahoe county excluding census enumeration districts 1, 2, and 3 of the east Arapahoe division, except for those parts of enumeration district 3 as provided in subsection (4) of this section, as ~~such~~ THE districts and division are used by the United States bureau of the census in designation of land areas for the purposes of the 1970 census, and the city and county of Denver and the counties of Jefferson and Boulder, those parts of Douglas county as provided by subsection (2) of this section and section 32-9-106.3, and areas annexed by municipalities as provided by section 32-9-106.6.

SECTION 3. 32-9-111 (1) (b), Colorado Revised Statutes, as amended, is amended to read:

32-9-111. Election of directors - dates - terms. (1) (b) If an election held pursuant to section 32-9-106 (2) (b) and (2) (c), ~~32-9-106.3, or 32-9-106.6~~ 32-9-106.3, 32-9-106.4, OR 32-9-106.6 results in a vote for the inclusion of an area within the district, the board shall, within forty-five days, vote to include the new area in one or more existing adjacent director districts based, to the extent practical, on population. ~~Such~~ THE vote by the board shall require a two-thirds majority.

SECTION 4. 32-13-104 (1) (b), Colorado Revised Statutes, as amended, is amended to read:

32-13-104. Creation of district - area of district. (1) There is hereby created

a district to be known and designated as the "Denver Metropolitan Scientific and Cultural Facilities District". The area comprising the district shall consist of the following:

(b) That area comprising the regional transportation district as specified in sections ~~32-9-106.3 and 32-9-106.6~~ 32-9-106.3, 32-9-106.4, AND 32-9-106.6 unless rejected by the eligible electors as provided in said sections.

SECTION 5. 32-14-104 (1) (b), Colorado Revised Statutes, as amended, is amended to read:

32-14-104. Creation of district - area of district. (1) There is hereby created a district to be known and designated as the "Denver Metropolitan Major League Baseball Stadium District". The district shall be a body corporate and politic and a political subdivision of the state. The area comprising the district shall consist of:

(b) That area comprising the regional transportation district as specified in sections ~~32-9-106.3 and 32-9-106.6~~ 32-9-106.3, 32-9-106.4, AND 32-9-106.6 unless rejected by the eligible electors as provided in said sections.

SECTION 6. 32-1-1006, Colorado Revised Statutes, as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

32-1-1006. Sanitation, water and sanitation, or water districts - additional powers - special provisions. (1.5) (a) NO WATER AND SANITATION DISTRICT OR WATER DISTRICT SHALL FURNISH WATER SERVICE OR WATER SUPPLY TO ANY PROPERTY LOCATED OUTSIDE OF THE DISTRICT'S BOUNDARIES IF SUCH PROPERTY IS WITHIN THE LEGAL BOUNDARIES OF ANOTHER SPECIAL DISTRICT THAT HAS BEEN ORGANIZED WITH THE POWER TO FURNISH WATER FACILITIES OR WATER SERVICES, UNLESS:

(I) IN COMPLIANCE WITH THE PROVISIONS OF THIS TITLE AND WITH THE CONSENT OF THE SPECIAL DISTRICT WITHIN WHOSE BOUNDARIES SUCH PROPERTY IS LOCATED, SUCH PROPERTY IS INCLUDED WITHIN THE BOUNDARIES OF THE DISTRICT SEEKING TO PROVIDE WATER SERVICE OR WATER SUPPLY; OR

(II) AFTER THE EFFECTIVE DATE OF THIS ACT, IN LIEU OF INCLUSION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), THE SPECIAL DISTRICT WITHIN WHOSE BOUNDARIES SUCH PROPERTY IS LOCATED GIVES CONSENT TO THE PROVISION OF SUCH WATER SERVICE OR WATER SUPPLY.

(b) IN THE ABSENCE OF SUCH INCLUSION OR CONSENT, NO WATER AND SANITATION DISTRICT OR WATER DISTRICT SHALL HAVE ANY RIGHT OR POWER, HOWEVER DERIVED, TO PROVIDE WATER SERVICE OR WATER SUPPLY TO ANY PROPERTY OUTSIDE OF THAT DISTRICT'S BOUNDARIES AND WITHIN THE BOUNDARIES OF ANOTHER SPECIAL DISTRICT THAT HAS BEEN ORGANIZED WITH THE POWER TO FURNISH WATER FACILITIES OR WATER SERVICES.

(c) AS USED IN THIS SUBSECTION (1.5), "WATER FACILITIES" HAS THE SAME MEANING AS IN SECTION 31-35-401 (7), C.R.S.

SECTION 7. 32-1-204 (1.5), Colorado Revised Statutes, as amended, is amended to read:

32-1-204. Public hearing on service plan - procedures - decision. (1.5) Not more than thirty days nor less than twenty days prior to the hearing held pursuant to this section, the petitioners for the organization of the special district shall send ~~postcard or~~ letter notification of ~~said~~ THE hearing to the property owners within the proposed special district as listed on the records of the county assessor on the date requested unless the petitioners represent one hundred percent of the property owners. The notification shall indicate that it is a notice of a hearing for the organization of a special district and shall indicate the date, time, location, and purpose of such hearing, a reference to the type of special district, the maximum mill levy, if any, or stating that there is no maximum ~~which~~ THAT may be imposed by the proposed special district, and procedures for the filing of a petition for exclusion pursuant to section 32-1-203 (3.5). Except when no mailing is required, the mailing of the ~~postcard~~ LETTER notification to all addresses ~~except~~ OR post office box addresses, within the proposed special district shall constitute a good-faith effort to comply with this subsection (1.5), and failure to notify all electors thereby shall not provide grounds for a challenge to the hearing being held.

SECTION 8. 32-1-401 (3), Colorado Revised Statutes, as amended, is amended to read:

32-1-401. Inclusion of territory - procedure. (3) Not more than thirty days nor less than twenty days prior to a meeting of the board held pursuant to paragraph (b) of subsection (1) of this section or paragraph (b) of subsection (2) of this section, the secretary of the special district shall send ~~postcard or~~ letter notification of ~~said~~ THE meeting to the property owners within the area proposed to be included within the special district as listed on the records of the county assessor on the date requested unless the petitioners represent one hundred percent of the property owners. The notification shall indicate that it is a notice of a meeting for consideration of the inclusion of real property within a special district and shall indicate the date, time, location, and purpose of the meeting, a reference to the type of special district proposed for inclusion, the maximum mill levy, if any, or stating that there is no maximum ~~which~~ THAT may be imposed if the proposed area is included within the special district, and procedures for the filing of a petition for exclusion pursuant to section 32-1-203 (3.5). Except as provided in this subsection (3), the mailing of the ~~postcard~~ LETTER notification to all addresses ~~except~~ OR post office box addresses, within the area proposed to be included within the special district shall constitute a good-faith effort to comply with this section, and failure to notify all electors thereby shall not provide grounds for a challenge to the meeting being held.

SECTION 9. 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.

Became Law Without Governor's Signature April 13, 1996