

CHAPTER 276

**GOVERNMENT - LOCAL**

**HOUSE BILL 98-1200**

BY REPRESENTATIVES Taylor, Entz, George, June, and Kaufman;  
also SENATORS Wattenberg, Bishop, Chlouber, Dennis, Hernandez, Hopper, J. Johnson, Matsunaka, Phillips, Reeves, Rupert,  
and Wells.

**AN ACT**

CONCERNING THE CREATION OF LOCAL MARKETING DISTRICTS.

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

**SECTION 1.** Title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 25  
Local Marketing Districts**

**29-25-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "LOCAL MARKETING DISTRICT ACT".

**29-25-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY DECLARES THAT THE ORGANIZATION OF LOCAL MARKETING DISTRICTS HAVING THE PURPOSES AND POWERS PROVIDED IN THIS ARTICLE, WILL SERVE A PUBLIC PURPOSE; WILL PROMOTE THE HEALTH, SAFETY, PROSPERITY, SECURITY, AND GENERAL WELFARE OF THE INHABITANTS THEREOF, THE PROPERTY OWNERS THEREIN, AND ALL THE PEOPLE OF THE STATE; WILL PROMOTE THE CONTINUED VITALITY OF COMMERCIAL BUSINESS AREAS WITHIN LOCAL GOVERNMENTS; AND WILL BE OF SPECIAL BENEFIT TO THE PROPERTY WITHIN THE BOUNDARIES OF ANY DISTRICT CREATED PURSUANT TO THIS ARTICLE.

(2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE CREATION OF LOCAL MARKETING DISTRICTS PURSUANT TO THIS ARTICLE IMPLEMENTS SECTION 18 (1) (d) OF ARTICLE XIV OF THE STATE CONSTITUTION AND IS ESSENTIAL TO THE CONTINUED ECONOMIC GROWTH OF THE STATE.

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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.*

**29-25-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF A LOCAL MARKETING DISTRICT.
- (2) "COMBINATION" MEANS ANY TWO OR MORE LOCAL GOVERNMENTS.
- (3) "DISTRICT" MEANS A LOCAL MARKETING DISTRICT FORMED UNDER THE PROVISIONS OF THIS ARTICLE.
- (4) "LOCAL GOVERNMENT" MEANS ANY COUNTY, CITY AND COUNTY, OR MUNICIPALITY.
- (5) "OPERATING PLAN" MEANS THE OPERATING PLAN APPROVED UNDER SECTION 29-25-110.
- (6) "PUBLICATION" HAS THE SAME MEANING AS THAT SET FORTH IN SECTION 32-1-103 (15), C.R.S.
- (7) "SERVICE AREA" MEANS THE AREA DESCRIBED IN THE ORDINANCE, RESOLUTION, OR CONTRACT CREATING A DISTRICT PURSUANT TO THIS ARTICLE. SUCH AREA MAY NOT INCLUDE TERRITORY OUTSIDE OF THE BOUNDARIES OF THE MEMBERS OF THE COMBINATION, MAY NOT INCLUDE TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION AS THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE DISTRICT IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY, AND MAY NOT INCLUDE TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY THAT IS NOT A MEMBER OF THE COMBINATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE DISTRICT IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH COUNTY.
- (8) "SERVICES" MEANS THE SERVICES DESCRIBED IN SECTION 29-25-111 (1) (e).

**29-25-104. Authority of governing body.** THE GOVERNING BODY OF EACH LOCAL GOVERNMENT IS HEREBY VESTED WITH JURISDICTION TO CREATE AND ESTABLISH ONE OR MORE DISTRICTS PURSUANT TO THE PROVISIONS OF THIS ARTICLE, AND SUCH DISTRICTS SHALL HAVE ALL THE POWERS PROVIDED IN THIS ARTICLE THAT ARE AUTHORIZED BY THE ORDINANCE, RESOLUTION, OR CONTRACT CREATING THE DISTRICT, OR ANY AMENDMENT THERETO.

**29-25-105. Organization and creation - notice of hearing.** (1) THE ORGANIZATION OF A DISTRICT SHALL BE INITIATED BY A PETITION FILED IN THE OFFICE OF THE CLERK OF THE GOVERNING BODY. IF SUCH PETITION IS TO INITIATE THE ORGANIZATION OF A DISTRICT BY A COMBINATION, SUCH PETITION SHALL BE FILED IN THE OFFICE OF THE CLERK OF EACH GOVERNING BODY TO BE INCLUDED IN THE COMBINATION.

(2) THE PETITION SHALL BE SIGNED BY PERSONS WHO OWN COMMERCIAL REAL PROPERTY IN THE SERVICE AREA OF THE PROPOSED DISTRICT HAVING A VALUATION FOR ASSESSMENT OF NOT LESS THAN FIFTY PERCENT OF THE VALUATION FOR ASSESSMENT OF ALL COMMERCIAL REAL PROPERTY IN THE SERVICE AREA OF THE

PROPOSED DISTRICT. THE PETITION SHALL SET FORTH:

(a) THE NAME OF THE PROPOSED DISTRICT, WHICH SHALL INCLUDE A DESCRIPTIVE NAME AND THE WORDS "LOCAL MARKETING DISTRICT";

(b) A GENERAL DESCRIPTION OF THE BOUNDARIES AND SERVICE AREA OF THE PROPOSED DISTRICT;

(c) A GENERAL DESCRIPTION OF THE TYPES OF SERVICES TO BE PROVIDED BY THE PROPOSED DISTRICT;

(d) THE NAMES OF THREE PERSONS TO REPRESENT THE PETITIONERS, WHO HAVE THE POWER TO ENTER INTO AGREEMENTS RELATING TO THE ORGANIZATION OF THE DISTRICT; AND

(e) A REQUEST FOR THE ORGANIZATION OF THE DISTRICT.

(3) AFTER RECEIPT OF A PETITION UNDER THIS SECTION, ANY LOCAL GOVERNMENT BY ORDINANCE OR RESOLUTION, OR ANY COMBINATION BY CONTRACT, MAY CREATE A DISTRICT THAT IS AUTHORIZED TO EXERCISE THE FUNCTIONS CONFERRED BY THE PROVISIONS OF THIS ARTICLE. UPON CREATION, THE DISTRICT SHALL CONSTITUTE A SEPARATE POLITICAL SUBDIVISION AND BODY CORPORATE OF THE STATE AND SHALL HAVE ALL THE DUTIES, PRIVILEGES, IMMUNITIES, RIGHTS, LIABILITIES, AND DISABILITIES OF A PUBLIC BODY POLITIC AND CORPORATE.

(4) ANY CONTRACT, ORDINANCE, OR RESOLUTION ESTABLISHING A DISTRICT SHALL SPECIFY:

(a) THE NAME AND PURPOSE OF THE DISTRICT;

(b) VOTING REQUIREMENTS FOR DISTRICT ELECTIONS;

(c) SUBJECT TO THE PROVISIONS OF SECTION 29-25-108, IF A GOVERNING BODY OF A SINGLE LOCAL GOVERNMENT IS NOT CREATING THE DISTRICT, THE ESTABLISHMENT AND ORGANIZATION OF THE BOARD OF DIRECTORS IN WHICH ALL LEGISLATIVE POWER OF THE DISTRICT IS VESTED, INCLUDING:

(I) THE NUMBER OF DIRECTORS, WHICH SHALL BE AT LEAST FIVE;

(II) THE MANNER OF THE ELECTION OR APPOINTMENT, THE QUALIFICATIONS, AND THE COMPENSATION, IF ANY, OF THE DIRECTORS AND THE PROCEDURE FOR FILLING VACANCIES;

(III) THE OFFICERS OF THE DISTRICT, THE MANNER OF THEIR APPOINTMENT, AND THEIR DUTIES; AND

(IV) THE VOTING REQUIREMENTS FOR ACTION BY THE BOARD; EXCEPT THAT, UNLESS SPECIFICALLY PROVIDED OTHERWISE IN THE CONTRACT, A MAJORITY OF THE DIRECTORS OF THE BOARD CONSTITUTES A QUORUM AND A MAJORITY OF THE BOARD IS NECESSARY FOR ACTION BY THE BOARD;

(d) THE PROVISIONS FOR THE DISTRIBUTION, DISPOSITION, OR DIVISION OF THE ASSETS OF THE DISTRICT;

(e) THE BOUNDARIES OF THE DISTRICT, WHICH MAY NOT INCLUDE TERRITORY OUTSIDE OF THE BOUNDARIES OF THE LOCAL GOVERNMENT THAT CREATES THE DISTRICT. IF CREATED BY A COMBINATION, SUCH A DISTRICT MAY NOT INCLUDE TERRITORY WITHIN THE BOUNDARIES OF A MUNICIPALITY THAT IS NOT A MEMBER OF THE COMBINATION AS THE BOUNDARIES OF THE MUNICIPALITY EXIST ON THE DATE THE DISTRICT IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH MUNICIPALITY, AND MAY NOT INCLUDE TERRITORY WITHIN THE UNINCORPORATED BOUNDARIES OF A COUNTY THAT IS NOT A MEMBER OF THE COMBINATION AS THE UNINCORPORATED BOUNDARIES OF THE COUNTY EXIST ON THE DATE THE DISTRICT IS CREATED WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH COUNTY;

(f) THE TERM OF THE DISTRICT, WHICH MAY BE FOR A DEFINITE TERM OR UNTIL REPEALED, RESCINDED, OR TERMINATED, AND THE METHOD, IF ANY, BY WHICH IT MAY BE REPEALED, RESCINDED, OR TERMINATED; EXCEPT THAT THE DISTRICT OR ANY ORDINANCE, RESOLUTION, OR CONTRACT UNDER WHICH IT WAS ORGANIZED MAY NOT BE REPEALED, TERMINATED, OR RESCINDED SO LONG AS THE DISTRICT HAS BONDS OUTSTANDING;

(g) IF CREATED PURSUANT TO CONTRACT, THE PROVISIONS FOR AMENDMENT OF THE CONTRACT;

(h) THE LIMITATIONS, IF ANY, ON THE POWERS GRANTED BY THIS ARTICLE THAT MAY BE EXERCISED BY THE DISTRICT PURSUANT TO THIS ARTICLE; AND

(i) IF CREATED PURSUANT TO CONTRACT, THE CONDITIONS REQUIRED WHEN ADDING OR DELETING PARTIES TO THE CONTRACT.

(5) NO LOCAL GOVERNMENT SHALL ADOPT AN ORDINANCE OR RESOLUTION OR ENTER INTO A CONTRACT ESTABLISHING A DISTRICT WITHOUT HOLDING AT LEAST TWO PUBLIC HEARINGS THEREON IN ADDITION TO OTHER REQUIREMENTS IMPOSED BY LAW FOR PUBLIC NOTICE. THE LOCAL GOVERNMENT SHALL GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE PUBLIC HEARING BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE LOCAL GOVERNMENT AT LEAST TEN DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING.

(6) NO ORDINANCE, RESOLUTION, OR CONTRACT ESTABLISHING A DISTRICT PURSUANT TO THIS SECTION SHALL TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT. THE QUESTION OF ESTABLISHING THE DISTRICT SHALL BE SUBMITTED TO SUCH REGISTERED ELECTORS AT A GENERAL ELECTION OR A SPECIAL ELECTION CALLED FOR SUCH PURPOSE. SUCH QUESTION MAY ALSO BE PROPOSED TO SUCH REGISTERED ELECTORS AT THE SAME TIME AND IN THE SAME OR A SEPARATE QUESTION AS AN ELECTION REQUIRED UNDER SECTION 29-25-112. THE DISTRICT SHALL NOT BE ESTABLISHED UNLESS A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE ESTABLISHMENT OF A DISTRICT AT THE ELECTION VOTE IN FAVOR OF THE ESTABLISHMENT. THE ELECTION SHALL BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS MUNICIPAL AND COUNTY ELECTIONS, AND THE MUNICIPAL OR COUNTY CLERK AND RECORDER OF EACH LOCAL GOVERNMENT IN WHICH THE ELECTION IS

CONDUCTED SHALL ASSIST THE MEMBERS OF THE COMBINATION OF THE PROPOSED DISTRICT IN CONDUCTING THE ELECTION.

(7) THE PETITION FOR ORGANIZATION AND CREATION OF THE DISTRICT SHALL BE ACCOMPANIED BY A BOND WITH SECURITY APPROVED BY THE GOVERNING BODY OR GOVERNING BODIES OF THE MEMBERS OF THE COMBINATION OR A CASH DEPOSIT SUFFICIENT TO COVER ALL EXPENSES CONNECTED WITH THE PROCEEDINGS, INCLUDING ANY ELECTIONS, FOR THE ORGANIZATION AND CREATION OF THE DISTRICT. IF, AT ANY TIME DURING THE ORGANIZATION PROCEEDINGS, THE GOVERNING BODY OR GOVERNING BODIES DETERMINE THAT THE BOND FIRST EXECUTED OR THE AMOUNT OF THE CASH DEPOSITED IS INSUFFICIENT IN AMOUNT, IT MAY REQUIRE THE EXECUTION OF AN ADDITIONAL BOND OR THE DEPOSIT OF ADDITIONAL CASH WITHIN A TIME TO BE FIXED, NOT LESS THAN TEN DAYS THEREAFTER, AND, UPON FAILURE OF THE PETITIONERS TO FILE OR DEPOSIT THE BOND OR CASH, THE PETITION SHALL BE DISMISSED.

**29-25-106. Hearing - findings - when action barred.** (1) ON THE DATE FIXED FOR ANY HEARING OR AT ANY ADJOURNMENT THEREOF, THE GOVERNING BODY OR GOVERNING BODIES OF EACH MEMBER OF THE COMBINATION SHALL ASCERTAIN, FROM THE TAX ROLLS OF WHERE THE DISTRICT IS LOCATED, THE TOTAL VALUATION FOR ASSESSMENT OF THE TAXABLE REAL AND PERSONAL PROPERTY IN THE SERVICE AREA. IF IT APPEARS THAT SAID PETITION IS NOT SIGNED IN CONFORMITY WITH THIS ARTICLE, THE PETITION SHALL BE DISMISSED AND THE COST ADJUDGED AGAINST THOSE EXECUTING THE BOND OR DEPOSITING THE CASH FILED TO PAY SUCH COSTS. NOTHING IN THIS SECTION SHALL PREVENT THE FILING OF A SUBSEQUENT PETITION FOR A SIMILAR DISTRICT.

(2) THE FINDINGS OF THE GOVERNING BODY OR GOVERNING BODIES UPON THE QUESTION OF THE GENUINENESS OF THE SIGNATURES AND ALL MATTERS OF FACT INCIDENT TO SUCH DETERMINATION SHALL BE FINAL AND CONCLUSIVE.

(3) PRIOR TO THE ORGANIZATION OF THE DISTRICT, THE GOVERNING BODY OR GOVERNING BODIES MAY EXCLUDE PROPERTY FROM THE SERVICE AREA OR BOUNDARIES OF THE DISTRICT IF DEEMED TO BE IN THE BEST INTERESTS OF THE DISTRICT.

(4) IF IT APPEARS THAT AN ORGANIZATION PETITION HAS BEEN DULY SIGNED AND PRESENTED IN CONFORMITY WITH THIS ARTICLE, THAT THE ALLEGATIONS OF THE ORGANIZATION PETITION ARE TRUE, AND THAT THE TYPES OF SERVICES TO BE PROVIDED BY THE PROPOSED DISTRICT ARE THOSE SERVICES THAT BEST SATISFY THE PURPOSES SET FORTH IN THIS ARTICLE, THE GOVERNING BODY OR BODIES, UPON THE COMPLETION OF THE HEARINGS, SHALL BY ORDINANCE, RESOLUTION, OR CONTRACT ADJUDICATE ALL QUESTIONS OF JURISDICTION AND MAY, EXERCISING DISCRETION, DECLARE THE DISTRICT ORGANIZED, DESCRIBE THE BOUNDARIES AND SERVICE AREA OF THE DISTRICT, AND GIVE IT THE CORPORATE NAME SPECIFIED IN THE PETITION BY WHICH, IN ALL SUBSEQUENT PROCEEDINGS, IT SHALL THEREAFTER BE KNOWN.

(5) SUCH RESOLUTION, ORDINANCE, OR CONTRACT SHALL FINALLY AND CONCLUSIVELY ESTABLISH THE REGULAR ORGANIZATION OF THE DISTRICT AGAINST ALL PERSONS UNLESS AN ACTION, INCLUDING AN ACTION FOR CERTIORARI REVIEW, ATTACKING THE VALIDITY OF THE DISTRICT IS COMMENCED IN A COURT OF

COMPETENT JURISDICTION WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF SUCH RESOLUTION, ORDINANCE, OR CONTRACT. THEREAFTER, ANY SUCH ACTION SHALL BE PERPETUALLY BARRED. THE ORGANIZATION OF SAID DISTRICT SHALL NOT BE DIRECTLY OR COLLATERALLY QUESTIONED IN ANY SUIT, ACTION, OR PROCEEDING, EXCEPT AS PROVIDED IN THIS SUBSECTION (5).

**29-25-107. Boundaries - exclusion proviso.** THE BOUNDARIES OF A DISTRICT MAY CONSIST OF CONTIGUOUS OR NONCONTIGUOUS TRACTS OR PARCELS OF PROPERTY.

**29-25-108. Board of directors - duties.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (1), IF THE GOVERNING BODY OF A SINGLE LOCAL GOVERNMENT CREATES THE DISTRICT, SUCH GOVERNING BODY SHALL CONSTITUTE EX OFFICIO THE BOARD OF DIRECTORS OF THE DISTRICT. IN SUCH EVENT, THE PRESIDING OFFICER OF THE GOVERNING BODY SHALL BE EX OFFICIO THE PRESIDING OFFICER OF THE BOARD, THE CLERK OF THE GOVERNING BODY SHALL BE EX OFFICIO THE SECRETARY OF THE BOARD, AND THE TREASURER OF THE LOCAL GOVERNMENT SHALL BE EX OFFICIO THE TREASURER OF THE BOARD. A QUORUM OF THE GOVERNING BODY SHALL CONSTITUTE A QUORUM OF THE BOARD.

(b) THE GOVERNING BODY OF THE LOCAL GOVERNMENT MAY, AT ANY TIME, PROVIDE BY RESOLUTION OR ORDINANCE FOR THE CREATION OF A BOARD OF DIRECTORS OF THE DISTRICT CONSISTING OF NOT FEWER THAN FIVE MEMBERS. EACH MEMBER SHALL BE AN ELECTOR OF THE DISTRICT APPOINTED BY THE GOVERNING BODY OR, IF DESIGNATED BY THE GOVERNING BODY, BY THE MAYOR OF A CITY AND COUNTY; EXCEPT THAT, IF POSSIBLE, NO MORE THAN ONE-HALF OF THE MEMBERS OF THE BOARD MAY BE AFFILIATED WITH ONE OWNER OR LESSEE OF TAXABLE REAL OR PERSONAL PROPERTY IN THE DISTRICT. EACH MEMBER SHALL SERVE AT THE PLEASURE OF THE LOCAL GOVERNMENT. WITHIN THIRTY DAYS AFTER A VACANCY OCCURS, A SUCCESSOR SHALL BE APPOINTED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. WITHIN THIRTY DAYS AFTER A MEMBER'S APPOINTMENT, EXCEPT FOR GOOD CAUSE SHOWN, EACH MEMBER SHALL APPEAR BEFORE AN OFFICER AUTHORIZED TO ADMINISTER OATHS AND TAKE AN OATH THAT SUCH MEMBER WILL FAITHFULLY PERFORM THE DUTIES OF OFFICE AS REQUIRED BY LAW AND WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE STATE CONSTITUTION, AND LAWS MADE PURSUANT THERETO. A MAJORITY OF THE MEMBERS SHALL CONSTITUTE A QUORUM OF THE BOARD. THE BOARD SHALL ELECT ONE OF ITS MEMBERS AS PRESIDING OFFICER, ONE OF ITS MEMBERS AS SECRETARY, AND ONE OF ITS MEMBERS AS TREASURER. THE OFFICE OF BOTH SECRETARY AND TREASURER MAY BE FILLED BY ONE PERSON.

(c) IF MORE THAN ONE-HALF OF THE PROPERTY LOCATED WITHIN THE DISTRICT IS ALSO LOCATED WITHIN AN URBAN RENEWAL AREA, A DOWNTOWN DEVELOPMENT AUTHORITY, OR A GENERAL IMPROVEMENT DISTRICT, THE GOVERNING BODY MAY, AT ANY TIME, PROVIDE BY ORDINANCE THAT THE GOVERNING BODY OF THE URBAN RENEWAL AUTHORITY, DOWNTOWN DEVELOPMENT AUTHORITY, OR GENERAL IMPROVEMENT DISTRICT SHALL CONSTITUTE EX OFFICIO THE BOARD OF DIRECTORS OF THE DISTRICT. IN SUCH EVENT, THE OFFICERS OF SUCH ENTITY SHALL BE EX OFFICIO THE OFFICERS OF THE BOARD. A QUORUM OF THE BOARD OF DIRECTORS OF SUCH ENTITY SHALL CONSTITUTE A QUORUM OF THE BOARD.

(d) IF THE PETITION INITIATING THE ORGANIZATION OF THE DISTRICT OR ANY SUBSEQUENT PETITION SIGNED BY PERSONS WHO OWN REAL OR PERSONAL PROPERTY IN THE SERVICE AREA OF THE PROPOSED DISTRICT HAVING A VALUATION FOR ASSESSMENT OF NOT LESS THAN FIFTY PERCENT, AND WHO OWN AT LEAST FIFTY PERCENT OF THE ACREAGE IN THE PROPOSED DISTRICT SO SPECIFIES, THE MEMBERS OF THE BOARD OF THE DISTRICT SHALL BE ELECTED BY THE ELECTORS OF THE DISTRICT. IF SUCH A PETITION IS APPROVED, THE TERMS OF MEMBERS OF THE BOARD SHALL BE SPECIFIED BY RESOLUTION OR ORDINANCE OF THE GOVERNING BODY. THE INITIAL ELECTION FOR MEMBERS OF THE BOARD SHALL BE HELD WITHIN SIXTY DAYS AFTER APPROVAL OF THE RESOLUTION OR ORDINANCE ORGANIZING THE DISTRICT OR THE FILING OF ANY SUBSEQUENT PETITION. ALL SUBSEQUENT ELECTIONS FOR MEMBERS OF THE BOARD SHALL BE ON THE DATE SPECIFIED IN THE RESOLUTION OR ORDINANCE. THE NUMBER OF DIRECTORS, THE QUORUM REQUIREMENTS, AND THE OATHS OF OFFICE SHALL BE THE SAME AS THOSE PROVIDED FOR DIRECTORS OF SPECIAL DISTRICTS PURSUANT TO ARTICLE 1 OF TITLE 32, C.R.S. ANY VACANCY ON THE BOARD SHALL BE FILLED IN THE SAME MANNER AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1). UNTIL THE MEMBERS OF THE BOARD ARE ELECTED AND QUALIFIED, THE GOVERNING BODY SHALL SERVE AS THE BOARD OF THE DISTRICT. ELECTIONS PURSUANT TO THIS PARAGRAPH (d) SHALL BE HELD IN ACCORDANCE WITH THE PROVISIONS SPECIFIED IN THE RESOLUTION OR ORDINANCE PROVIDING FOR THE ELECTION OF DIRECTORS. THE COST OF ANY ELECTION HELD PURSUANT TO THIS PARAGRAPH (d) SHALL BE BORNE BY THE DISTRICT.

(e) THE GOVERNING BODY OF THE LOCAL GOVERNMENT MAY REMOVE A MEMBER OF THE BOARD OF A DISTRICT OR THE ENTIRE BOARD THEREOF FOR INEFFICIENCY OR NEGLECT OF DUTY OR MISCONDUCT IN OFFICE, BUT ONLY AFTER THE MEMBER OR THE BOARD HAS BEEN GIVEN A COPY OF THE CHARGES MADE BY THE GOVERNING BODY AGAINST SUCH MEMBER OR SUCH BOARD AND HAS HAD AN OPPORTUNITY TO BE HEARD IN PERSON OR BY COUNSEL BEFORE THE GOVERNING BODY. IN THE EVENT OF THE REMOVAL OF ANY MEMBER OF THE BOARD OR OF THE BOARD PURSUANT TO THIS PARAGRAPH (e), THE GOVERNING BODY SHALL FILE IN THE OFFICE OF THE CLERK OF THE LOCAL GOVERNMENT A RECORD OF THE PROCEEDINGS, TOGETHER WITH THE CHARGES MADE AGAINST THE MEMBER OR THE BOARD AND THE FINDINGS THEREON.

(f) TEN PERCENT OF THE ELECTORS OF A DISTRICT MAY PETITION THE GOVERNING BODY FOR THE REMOVAL OF A MEMBER OF THE BOARD OF THE DISTRICT OR OF THE ENTIRE BOARD THEREOF FOR INEFFICIENCY OR NEGLECT OF DUTY OR MISCONDUCT IN OFFICE, AND THE GOVERNING BODY MAY REMOVE THE MEMBER OR THE BOARD, BUT ONLY AFTER THE MEMBER OR THE BOARD HAS BEEN GIVEN A COPY OF THE CHARGES MADE AGAINST SUCH MEMBER OR SUCH BOARD AND HAS HAD AN OPPORTUNITY TO BE HEARD IN PERSON OR BY COUNSEL BEFORE THE GOVERNING BODY. IN THE EVENT OF THE REMOVAL OF THE MEMBER OR OF THE BOARD PURSUANT TO THIS PARAGRAPH (f), THE GOVERNING BODY SHALL FILE IN THE OFFICE OF THE CLERK OF LOCAL GOVERNMENT A RECORD OF THE PROCEEDINGS, TOGETHER WITH THE CHARGES MADE AGAINST THE MEMBER OR THE BOARD AND THE FINDINGS THEREON.

(2) THE BOARD SHALL ADOPT A SEAL. THE SECRETARY SHALL KEEP, IN A WELL-BOUND BOOK, A RECORD OF ALL PROCEEDINGS, MINUTES OF MEETINGS, CERTIFICATES, CONTRACTS, AND CORPORATE ACTS OF THE BOARD, WHICH SHALL BE OPEN TO INSPECTION BY THE ELECTORS OF THE DISTRICT AND OTHER INTERESTED PARTIES. THE TREASURER SHALL KEEP PERMANENT RECORDS CONTAINING ACCURATE

ACCOUNTS OF ALL MONEY RECEIVED BY AND DISBURSED FOR AND ON BEHALF OF THE DISTRICT AND SHALL MAKE SUCH ANNUAL OR OTHER REPORTS TO THE LOCAL GOVERNMENT AS IT MAY REQUIRE. ALL BUDGETS AND FINANCIAL RECORDS OF THE DISTRICT, WHETHER GOVERNED BY A SEPARATE BOARD OR BY THE GOVERNING BODY OF THE LOCAL GOVERNMENT, SHALL BE KEPT IN COMPLIANCE WITH PARTS 1 AND 5 OF ARTICLE 1 OF TITLE 29, C.R.S.

(3) EACH MEMBER OF THE BOARD OF A DISTRICT OR THE GOVERNING BODY OR OTHER ENTITY ACTING EX OFFICIO AS THE BOARD OF A DISTRICT IS REQUIRED TO DISCLOSE ANY POTENTIAL CONFLICTING INTEREST IN ANY TRANSACTION OF THE DISTRICT PURSUANT TO SECTION 18-8-308, C.R.S. A BOARD MEMBER WITH A POTENTIAL CONFLICTING INTEREST IN A DISTRICT TRANSACTION MAY NOT PARTICIPATE IN THE CONSIDERATIONS OF AND VOTE ON THE TRANSACTION, MAY NOT ATTEMPT TO INFLUENCE ANY OF THE CONTRACTING PARTIES, AND MAY NOT ACT DIRECTLY OR INDIRECTLY FOR THE BOARD IN THE INSPECTION, OPERATION, ADMINISTRATION, OR PERFORMANCE OF ANY CONTRACT RELATED TO THE TRANSACTION. OWNERSHIP, IN AND OF ITSELF, BY A BOARD MEMBER OF PROPERTY WITHIN THE DISTRICT SHALL NOT BE CONSIDERED A POTENTIAL CONFLICTING INTEREST.

(4) WHEN THE GOVERNING BODY OF A LOCAL GOVERNMENT ESTABLISHES A BOARD OF DIRECTORS PURSUANT TO PARAGRAPH (b), (c), OR (d) OF SUBSECTION (1) OF THIS SECTION, IT MAY SET SUCH CONDITIONS, LIMITATIONS, PROCEDURES, DUTIES, AND POWERS UNDER WHICH THE BOARD SHALL CONDUCT ITS BUSINESS. SUCH CONDITIONS AND LIMITATIONS MAY BE IN THE FORM OF A BINDING CONTRACT ON BOTH THE GOVERNING BODY AND THE BOARD AND MAY INCLUDE PROVISIONS REQUIRING THE DISSOLUTION OF THE BOARD AFTER A SPECIFIED LENGTH OF TIME, AT WHICH TIME THE GOVERNING BODY OF THE MUNICIPALITY SHALL ASSUME ALL POWERS AND DUTIES OF THE DISTRICT, INCLUDING THE PAYMENT OF ANY OUTSTANDING INDEBTEDNESS.

**29-25-109. Meetings.** UPON NOTICE TO EACH MEMBER OF THE BOARD, THE BOARD SHALL HOLD MEETINGS, WHICH SHALL BE HELD IN A PLACE TO BE DESIGNATED BY THE BOARD AS OFTEN AS THE NEEDS OF THE DISTRICT REQUIRE. THE MEETINGS OF THE BOARD SHALL BE SUBJECT TO THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, C.R.S. THE BOARD SHALL ACT BY RESOLUTION OR MOTION.

**29-25-110. Approval of actions by local government or members of combination.** NO DISTRICT CREATED UNDER THE PROVISIONS OF THIS ARTICLE SHALL LEVY A MARKETING AND PROMOTION TAX, OR PROVIDE SERVICES UNLESS THE LOCAL GOVERNMENT OR EACH MEMBER OF THE COMBINATION HAS APPROVED AN OPERATING PLAN FOR THE DISTRICT. THE OPERATING PLAN SHALL SPECIFICALLY IDENTIFY THE SERVICES TO BE PROVIDED BY THE DISTRICT, ANY MARKETING AND PROMOTION TAX TO BE IMPOSED BY THE DISTRICT, AND SUCH ADDITIONAL INFORMATION AS REQUIRED. THE DISTRICT SHALL FILE AN OPERATING PLAN AND ITS PROPOSED BUDGET FOR THE NEXT FISCAL YEAR WITH THE CLERK OF THE LOCAL GOVERNMENT OR EACH MEMBER OF THE COMBINATION NO LATER THAN SEPTEMBER 30 OF EACH YEAR. ALL OF THE BUSINESS RECORDS OF THE DISTRICT SHALL BE CONSIDERED PUBLIC RECORDS, AS DEFINED IN SECTION 24-72-202 (6), C.R.S., AND SHALL PROMPTLY BE MADE AVAILABLE UPON REQUEST. FOR THE PURPOSES OF THIS SECTION, THE BUSINESS RECORDS OF THE DISTRICT SHALL NOT INCLUDE THE BUSINESS RECORDS OF THE OWNERS OF PROPERTY IN THE DISTRICT. THE LOCAL GOVERNMENT OR THE MEMBERS

OF THE COMBINATION MAY REQUIRE THE DISTRICT TO SUPPLEMENT THE DISTRICT'S OPERATING PLAN OR BUDGET WHERE NECESSARY. THE LOCAL GOVERNMENT OR EACH MEMBER OF THE COMBINATION SHALL APPROVE OR DISAPPROVE THE OPERATING PLAN WITHIN THIRTY DAYS AFTER RECEIPT OF SUCH OPERATING PLAN AND ALL REQUESTED DOCUMENTATION RELATING THERETO, BUT NOT LATER THAN DECEMBER 5 OF THE YEAR IN WHICH SUCH DOCUMENTS ARE FILED. THEREAFTER, THE SERVICES AND FINANCIAL ARRANGEMENTS OF THE DISTRICT SHALL CONFORM SO FAR AS PRACTICABLE TO THE OPERATING PLAN. THE OPERATING PLAN MAY, FROM TIME TO TIME, BE AMENDED BY THE DISTRICT WITH THE APPROVAL OF THE LOCAL GOVERNMENT OR EACH MEMBER OF THE COMBINATION IN SUBSTANTIALLY THE SAME MANNER AS THE PROCESS FOR FORMULATING THE OPERATING PLAN FOR EACH YEAR. ANY MATERIAL DEPARTURE FROM THE OPERATING PLAN, AS ORIGINALLY APPROVED OR AMENDED FROM TIME TO TIME, MAY BE ENJOINED BY AN ORDER OF THE LOCAL GOVERNMENT FILED WITH THE BOARD.

**29-25-111. General powers of district.** (1) THE DISTRICT HAS THE FOLLOWING POWERS, EXCEPT AS LIMITED BY THE OPERATING PLAN:

(a) TO HAVE PERPETUAL EXISTENCE;

(b) TO HAVE AND USE A CORPORATE SEAL;

(c) TO SUE AND BE SUED AND BE A PARTY TO SUITS, ACTIONS, AND PROCEEDINGS;

(d) TO ENTER INTO CONTRACTS AND AGREEMENTS, EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, AFFECTING THE AFFAIRS OF THE DISTRICT, INCLUDING CONTRACTS WITH THE UNITED STATES AND ANY OF ITS AGENCIES OR INSTRUMENTALITIES;

(e) (I) TO PROVIDE ANY OF THE FOLLOWING SERVICES WITHIN THE DISTRICT:

(A) ORGANIZATION, PROMOTION, MARKETING, AND MANAGEMENT OF PUBLIC EVENTS;

(B) ACTIVITIES IN SUPPORT OF BUSINESS RECRUITMENT, MANAGEMENT, AND DEVELOPMENT;

(C) COORDINATING TOURISM PROMOTION ACTIVITIES.

(II) NO REVENUE COLLECTED FROM THE MARKETING AND PROMOTION TAX LEVIED UNDER SECTION 29-25-112 MAY BE USED FOR ANY CAPITAL EXPENDITURES, WITH THE EXCEPTION OF TOURIST INFORMATION CENTERS.

(f) TO HAVE THE MANAGEMENT, CONTROL, AND SUPERVISION OF ALL THE BUSINESS AND AFFAIRS OF THE DISTRICT AND OF THE OPERATION OF DISTRICT SERVICES THEREIN;

(g) TO APPOINT AN ADVISORY BOARD OF OWNERS OF PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT AND PROVIDE FOR THE DUTIES AND FUNCTIONS THEREOF;

(h) TO HIRE EMPLOYEES OR RETAIN AGENTS, ENGINEERS, CONSULTANTS, ATTORNEYS, AND ACCOUNTANTS;

(i) TO ADOPT AND AMEND BYLAWS NOT IN CONFLICT WITH THE CONSTITUTION AND LAWS OF THE STATE OR WITH THE ORDINANCES OF THE LOCAL GOVERNMENT AFFECTED FOR CARRYING ON THE BUSINESS, OBJECTIVES, AND AFFAIRS OF THE BOARD AND OF THE DISTRICT; AND

(j) TO EXERCISE ALL RIGHTS AND POWERS NECESSARY OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED IN THIS ARTICLE. SUCH SPECIFIC POWERS SHALL NOT BE CONSIDERED AS A LIMITATION UPON ANY POWER NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND INTENT OF THIS ARTICLE.

**29-25-112. Power to levy marketing and promotion tax.** (1) (a) IN ADDITION TO ANY OTHER MEANS OF PROVIDING REVENUE FOR A DISTRICT, THE BOARD HAS THE POWER WITHIN THE DISTRICT TO LEVY A MARKETING AND PROMOTION TAX ON THE PURCHASE PRICE PAID OR CHARGED TO PERSONS FOR ROOMS OR ACCOMMODATIONS AS INCLUDED IN THE DEFINITION OF "SALE" IN SECTION 39-26-102 (11), C.R.S. SUCH TAX SHALL BE SPECIFIED IN THE PETITION ORGANIZING THE DISTRICT UNDER SECTION 29-25-105. NO SUCH TAX SHALL TAKE EFFECT UNLESS APPROVED BY A MAJORITY OF THE ELIGIBLE ELECTORS VOTING THEREON AT A GENERAL ELECTION OR A SPECIAL ELECTION CALLED FOR SUCH PURPOSE. ELECTIONS HELD PURSUANT TO THIS SECTION SHALL BE CONDUCTED IN SUBSTANTIALLY THE SAME MANNER AS MUNICIPAL OR COUNTY ELECTIONS AND IN ACCORDANCE WITH THE PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION. THE MUNICIPAL OR COUNTY CLERK AND RECORDER OF EACH LOCAL GOVERNMENT IN WHICH THE ELECTION IS CONDUCTED SHALL ASSIST THE DISTRICT IN CONDUCTING THE ELECTION. THE DISTRICT SHALL PAY THE COSTS INCURRED BY EACH LOCAL GOVERNMENT IN CONDUCTING SUCH AN ELECTION. NO MONEYS OF THE DISTRICT MAY BE USED TO URGE OR OPPOSE PASSAGE OF AN ELECTION REQUIRED UNDER THIS SECTION.

(b) (I) THE MARKETING AND PROMOTION TAX SHALL BE COLLECTED, ADMINISTERED, AND ENFORCED, TO THE EXTENT FEASIBLE, PURSUANT TO SECTION 29-2-106, C.R.S.

(II) THE DEPARTMENT OF REVENUE SHALL PERFORM, ON AN ANNUAL BASIS, AN ANALYSIS TO DETERMINE THE NET INCREMENTAL COST OF SUCH COLLECTION, ADMINISTRATION, AND ENFORCEMENT. THE DEPARTMENT OF REVENUE SHALL RETAIN ONLY THE AMOUNT DETERMINED TO BE NECESSARY BY THE COST ANALYSIS, AND IN NO EVENT SHALL THAT AMOUNT EXCEED THREE AND ONE-THIRD PERCENT OF THE AMOUNT COLLECTED. SUCH AMOUNT RETAINED SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GENERAL FUND, AND SUCH AMOUNT SHALL BE SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE NET INCREMENTAL COST OF SUCH COLLECTION, ADMINISTRATION, AND ENFORCEMENT.

(2) ANY PERSON OR ENTITY PROVIDING ROOMS OR ACCOMMODATIONS AS INCLUDED IN THE DEFINITION OF "SALE" REFERRED TO IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL BE LIABLE AND RESPONSIBLE FOR THE PAYMENT OF AN AMOUNT EQUIVALENT TO A PERCENTAGE RATE SET BY THE BOARD OF ALL SUCH SALES MADE AND SHALL QUARTERLY, UNLESS OTHERWISE PROVIDED BY LAW, MAKE A RETURN TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE

FOR THE PRECEDING TAX-REPORTING PERIOD AND REMIT AN AMOUNT EQUIVALENT TO SUCH PERCENTAGE RATE ON SUCH SALES TO SAID EXECUTIVE DIRECTOR.

**29-25-113. Inclusion or exclusion - petition - notice - hearing.** (1) THE BOUNDARIES OF ANY DISTRICT ORGANIZED UNDER THE PROVISIONS OF THIS ARTICLE MAY BE CHANGED IN THE MANNER PRESCRIBED IN THIS SECTION, BUT THE CHANGE OF BOUNDARIES OF THE DISTRICT SHALL NOT IMPAIR OR AFFECT ITS ORGANIZATION OR ITS RIGHTS IN OR TO PROPERTY OR ANY OF ITS RIGHTS OR PRIVILEGES WHATSOEVER, NOR SHALL IT AFFECT OR IMPAIR OR DISCHARGE ANY CONTRACT, OBLIGATION, LIEN, OR CHARGE FOR OR UPON WHICH THE DISTRICT MIGHT BE LIABLE OR CHARGEABLE HAD ANY SUCH CHANGE OF BOUNDARIES NOT BEEN MADE. THE OWNERS OF PROPERTY PROPOSED TO BE INCLUDED OR EXCLUDED MAY FILE WITH THE BOARD A PETITION, IN WRITING, REQUESTING THAT SUCH PROPERTY BE INCLUDED IN OR EXCLUDED FROM THE DISTRICT. THE PETITION SHALL DESCRIBE THE PROPERTY OWNED BY THE PETITIONERS AND SHALL BE VERIFIED. THE PETITION SHALL BE ACCOMPANIED BY A DEPOSIT OF MONEYS SUFFICIENT TO PAY ALL COSTS OF THE INCLUSION OR EXCLUSION PROCEEDINGS. THE CLERK OF THE BOARD SHALL CAUSE NOTICE OF THE FILING OF SUCH PETITION TO BE GIVEN AND PUBLISHED, WHICH NOTICE SHALL STATE THE FILING OF SUCH PETITION, THE NAMES OF THE PETITIONERS, DESCRIPTIONS OF THE PROPERTY SOUGHT TO BE INCLUDED OR EXCLUDED, AND THE REQUEST OF SAID PETITIONERS.

(2) THE NOTICE OF THE FILING OF A PETITION SHALL INFORM ALL PERSONS HAVING OBJECTIONS TO APPEAR AT THE TIME AND PLACE STATED IN SAID NOTICE AND SHOW CAUSE WHY THE PETITION SHOULD NOT BE GRANTED. THE BOARD, AT THE TIME AND PLACE MENTIONED OR AT ANY TIME TO WHICH THE HEARING MAY BE ADJOURNED, SHALL PROCEED TO HEAR THE PETITION AND ALL OBJECTIONS THERETO THAT MAY BE PRESENTED BY ANY PERSON SHOWING CAUSE WHY SAID PETITION SHOULD NOT BE GRANTED. THE FAILURE OF ANY INTERESTED PERSON TO SHOW CAUSE SHALL BE DEEMED AS AN ASSENT ON THAT PERSON'S PART TO THE INCLUSION OR EXCLUSION OF SUCH PROPERTY AS REQUESTED IN THE PETITION. IF THE CHANGE OF BOUNDARIES OF THE DISTRICT DOES NOT ADVERSELY AFFECT THE DISTRICT AND IF THE PETITION IS GRANTED, THE GRANTING OF WHICH SHALL NOT BE UNREASONABLY WITHHELD, THE GOVERNING BODY SHALL ADOPT A RESOLUTION TO THAT EFFECT AND FILE A CERTIFIED COPY OF THE SAME WITH THE COUNTY CLERK AND RECORDER OF EACH COUNTY IN WHICH THE PROPERTY IS LOCATED. AFTER A CERTIFIED COPY OF THE ORDINANCE IS FILED, THE PROPERTY SHALL BE INCLUDED OR EXCLUDED FROM THE DISTRICT.

**29-25-114. Confirmation of contract proceedings.** (1) IN ITS DISCRETION, THE BOARD MAY FILE A PETITION AT ANY TIME IN THE DISTRICT COURT IN AND FOR ANY COUNTY IN WHICH THE DISTRICT IS LOCATED, PRAYING FOR A JUDICIAL EXAMINATION AND DETERMINATION OF ANY POWER CONFERRED, OR OF ANY TAXES OR SERVICE CHARGES LEVIED OR OTHERWISE MADE OR CONTRACTED TO BE LEVIED OR OTHERWISE MADE, OR OF ANY OTHER ACT, PROCEEDING, OR CONTRACT OF THE DISTRICT, WHETHER OR NOT SUCH ACT, PROCEEDING, OR CONTRACT HAS BEEN TAKEN OR EXECUTED, INCLUDING PROPOSED CONTRACTS FOR ANY SERVICES AND THE PROPOSED ACQUISITION OF ANY PROPERTY PERTAINING TO SUCH SERVICES, OR ANY COMBINATION THEREOF.

(2) SUCH PETITION SHALL:

(a) SET FORTH THE FACTS WHEREON THE VALIDITY OF SUCH POWER, TAXES,

CHARGES, ACT, PROCEEDING, OR CONTRACT IS FOUNDED; AND

(b) BE VERIFIED BY THE PRESIDING OFFICER OF THE DISTRICT.

(3) SUCH ACTION SHALL BE IN THE NATURE OF A PROCEEDING IN REM, AND JURISDICTION OF ALL PARTIES INTERESTED MAY BE HAD BY PUBLICATION AND POSTING, AS PROVIDED IN THIS ARTICLE.

(4) NOTICE OF THE FILING OF THE PETITION SHALL BE GIVEN BY THE CLERK OF THE COURT, UNDER THE SEAL THEREOF, STATING IN BRIEF OUTLINE THE CONTENTS OF THE PETITION AND SHOWING WHERE A FULL COPY OF ANY PROCEEDING OR CONTRACT MENTIONED IN SUCH OUTLINE MAY BE EXAMINED.

(5) THE NOTICE SHALL BE SERVED:

(a) BY PUBLICATION AT LEAST ONCE A WEEK FOR FIVE CONSECUTIVE WEEKS BY FIVE WEEKLY INSERTIONS IN A NEWSPAPER OF GENERAL CIRCULATION IN THE GEOGRAPHIC AREA WHERE THE DISTRICT IS LOCATED;

(b) BY POSTING IN THE OFFICE OF THE DISTRICT AT LEAST THIRTY DAYS PRIOR TO THE DATE FIXED IN THE NOTICE FOR THE HEARING ON THE PETITION.

(6) JURISDICTION SHALL BE COMPLETE AFTER SUCH PUBLICATION AND POSTING.

(7) ANY OWNER OF PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT OR ANY OTHER PERSON INTERESTED IN THE PROCEEDING OR CONTRACT OR PROPOSED PROCEEDING OR PROPOSED CONTRACT OR IN THE PREMISES MAY APPEAR AND MOVE TO DISMISS OR ANSWER THE PETITION NO LESS THAN FIVE DAYS PRIOR TO THE DATE FIXED FOR THE HEARING OR WITHIN SUCH FURTHER TIME AS MAY BE ALLOWED BY THE COURT. THE PETITION SHALL BE TAKEN AS CONFESSED BY ALL PERSONS WHO FAIL SO TO APPEAR.

(8) THE PETITION AND NOTICE SHALL BE SUFFICIENT TO GIVE THE COURT JURISDICTION, AND, UPON HEARING, THE COURT SHALL EXAMINE INTO AND DETERMINE ALL MATTERS AND THINGS AFFECTING THE QUESTION SUBMITTED, SHALL MAKE SUCH FINDINGS WITH REFERENCE TO THE QUESTION SUBMITTED, AND SHALL RENDER SUCH JUDGMENT AND DECREE ON THE QUESTION SUBMITTED AS THE CASE WARRANTS.

(9) COSTS MAY BE DIVIDED OR APPORTIONED AMONG ANY CONTESTING PARTIES IN THE DISCRETION OF THE TRIAL COURT.

(10) REVIEW OF THE JUDGMENT OF THE COURT MAY BE HAD AS IN OTHER SIMILAR CASES; EXCEPT THAT SUCH REVIEW SHALL BE APPLIED FOR WITHIN THIRTY DAYS AFTER THE TIME OF THE RENDITION OF SUCH JUDGMENT OR WITHIN SUCH ADDITIONAL TIME AS MAY BE ALLOWED BY THE COURT WITHIN THIRTY DAYS.

(11) THE COLORADO RULES OF CIVIL PROCEDURE SHALL GOVERN IN MATTERS OF PLEADING AND PRACTICE WHERE NOT OTHERWISE SPECIFIED IN THIS ARTICLE.

(12) THE COURT SHALL DISREGARD ANY ERROR, IRREGULARITY, OR OMISSION THAT DOES NOT AFFECT THE SUBSTANTIAL RIGHTS OF THE PARTIES.

(13) ALL CASES IN WHICH THERE MAY ARISE A QUESTION OF THE VALIDITY OF ANY MATTER PROVIDED FOR UNDER THIS SECTION SHALL BE ADVANCED AS A MATTER OF IMMEDIATE PUBLIC INTEREST AND CONCERN AND SHALL BE HEARD AT THE EARLIEST PRACTICABLE MOMENT.

**29-25-115. Dissolution procedure.** ANY DISTRICT ORGANIZED PURSUANT TO THIS ARTICLE MAY BE DISSOLVED PURSUANT TO THE RESOLUTION, ORDINANCE, OR CONTRACT CREATING THE DISTRICT OR PURSUANT TO THE PROVISIONS OF THIS SECTION. UNDER THIS SECTION, ANY SUCH DISTRICT MAY BE DISSOLVED AFTER NOTICE IS GIVEN, PUBLICATION IS MADE, AND A HEARING IS HELD IN THE MANNER PRESCRIBED BY SECTIONS 29-25-105 AND 29-25-106. THE DISSOLUTION OF THE DISTRICT MAY BE INITIATED BY FILING IN THE OFFICE OF THE CLERK OF THE GOVERNING BODY OR BODIES EITHER A PETITION SIGNED BY THE PERSONS DESCRIBED IN SECTION 29-25-105 (2) OR, IN THE CASE OF A DISTRICT THAT HAS NOT FILED AN OPERATING PLAN AS REQUIRED BY SECTION 29-25-110 FOR TWO YEARS, A RESOLUTION OF THE GOVERNING BODY OR BODIES. AFTER HEARING ANY PROTESTS AGAINST OR OBJECTIONS TO DISSOLUTION AND IF THE GOVERNING BODY OR BODIES DETERMINES THAT IT IS FOR THE BEST INTERESTS OF ALL CONCERNED TO DISSOLVE THE DISTRICT, THE BODY OR BODIES SHALL SO PROVIDE BY AN EFFECTIVE RESOLUTION OR ORDINANCE, A CERTIFIED COPY OF WHICH SHALL BE FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN EACH OF THE COUNTIES IN WHICH THE DISTRICT OR ANY PART OF THE DISTRICT IS LOCATED. UPON SUCH FILING, THE DISSOLUTION SHALL BE COMPLETE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, UPON PETITION OF PERSONS WHO OWN REAL OR PERSONAL PROPERTY IN THE SERVICE AREA OF THE PROPOSED DISTRICT HAVING A VALUATION FOR ASSESSMENT OF NOT LESS THAN FIFTY PERCENT OF THE VALUATION FOR ASSESSMENT OF ALL REAL AND PERSONAL PROPERTY IN THE SERVICE AREA OF THE PROPOSED DISTRICT AND WHO OWN AT LEAST FIFTY PERCENT OF THE ACREAGE IN THE PROPOSED DISTRICT, THE DISTRICT SHALL IMPOSE ITS EXISTING TAXES SOLELY TO MEET ANY EXISTING FINANCIAL OBLIGATIONS, AND SHALL BE DISSOLVED AS SOON AS THE DISTRICT HAS NO OUTSTANDING FINANCIAL OBLIGATIONS.

**29-25-116. Correction of faulty notices.** IN ANY CASE THAT A NOTICE IS PROVIDED FOR IN THIS ARTICLE IN WHICH THE GOVERNING BODY OR BODIES FIND FOR ANY REASON THAT DUE NOTICE WAS NOT GIVEN, THE GOVERNING BODY OR BODIES SHALL NOT THEREBY LOSE JURISDICTION, AND THE PROCEEDING IN QUESTION SHALL NOT THEREBY BE VOID OR BE ABATED; HOWEVER, THE GOVERNING BODY OR BODIES, IN THAT CASE, SHALL ORDER DUE NOTICE GIVEN AND SHALL CONTINUE THE PROCEEDING UNTIL SUCH TIME AS NOTICE IS PROPERLY GIVEN AND THEREUPON SHALL PROCEED AS THOUGH NOTICE HAD BEEN PROPERLY GIVEN IN THE FIRST INSTANCE.

**29-25-117. Department of transportation and local jurisdiction unimpaired.** NOTHING IN THIS ARTICLE SHALL AFFECT OR IMPAIR THE CONTROL AND JURISDICTION THAT THE DEPARTMENT OF TRANSPORTATION HAS OVER STREETS AND HIGHWAYS THAT ARE PART OF THE STATE HIGHWAY SYSTEM OR THAT A COUNTY, CITY AND COUNTY, OR MUNICIPALITY HAS OVER ALL PROPERTY WITHIN ITS BOUNDARIES. ALL POWERS GRANTED BY THIS ARTICLE SHALL BE SUBJECT TO SUCH CONTROL AND JURISDICTION.

**29-25-118. Method not exclusive.** NOTHING IN THIS ARTICLE SHALL REPEAL OR AFFECT ANY OTHER LAW OR ANY PART THEREOF, IT BEING INTENDED THAT THIS

ARTICLE SHALL PROVIDE A SEPARATE METHOD OF ACCOMPLISHING ITS OBJECTIVES AND NOT AN EXCLUSIVE ONE.

**SECTION 2. Effective date.** This act shall take effect on September 1, 1998, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section (1) (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 1998