

CHAPTER 300

GOVERNMENT - SPECIAL DISTRICTS

SENATE BILL 98-120

BY SENATORS Ament and Phillips;
also REPRESENTATIVES Owen, Gotlieb, and Saliman.

AN ACT

CONCERNING AUTHORIZATION FOR INCLUDING A PORTION OF WELD COUNTY IN THE REGIONAL TRANSPORTATION DISTRICT, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

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

32-9-106.5. Additional district areas - Weld county. (1) THE FOLLOWING AREA IN WELD COUNTY MAY BE INCLUDED IN THE DISTRICT AS PROVIDED BY SUBSECTION (2) OF THIS SECTION:

BEGINNING AT A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF COUNTY ROAD 1 WHERE IT INTERSECTS THE SOUTHERN RIGHT-OF-WAY LINE OF COUNTY ROAD 2; THENCE NORTH ALONG THE WESTERN RIGHT-OF-WAY LINE OF COUNTY ROAD 1 TO THE NORTHERN RIGHT-OF-WAY LINE OF COUNTY ROAD 30; THENCE EAST ALONG THE NORTHERN RIGHT-OF-WAY LINE OF COUNTY ROAD 30 TO THE EASTERN RIGHT-OF-WAY LINE OF COUNTY ROAD 19; THENCE SOUTH ALONG THE EASTERN RIGHT-OF-WAY LINE OF COUNTY ROAD 19 TO THE SOUTHERN RIGHT-OF-WAY LINE OF COUNTY ROAD 2; THENCE WEST ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF COUNTY ROAD 2 TO THE BEGINNING POINT.

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

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

(A) A PETITION REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING THE AREA IN THE DISTRICT IS SIGNED BY AT LEAST EIGHT PERCENT OF THE ELIGIBLE

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

ELECTORS OF THE UNINCORPORATED PORTION OF SUCH AREA AND EACH PORTION OF SUCH AREA THAT IS WITHIN A MUNICIPALITY; OR

(B) THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY ADOPT, BY INTERGOVERNMENTAL AGREEMENT, A RESOLUTION REQUESTING AN ELECTION FOR THE PURPOSE OF INCLUDING THE AREA IN THE DISTRICT.

(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 1998, 2000, OR 2002, AS DETERMINED BY INTERGOVERNMENTAL AGREEMENT OF THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY.

(B) THE BALLOT SHALL PROVIDE FOR THE ELIGIBLE ELECTORS IN THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT TO VOTE FOR OR AGAINST THE INCLUSION OF THE PROPOSED AREA IN THE DISTRICT.

(C) THE ELECTION BALLOT SHALL BE IN THE FORM DETERMINED BY INTERGOVERNMENTAL AGREEMENT OF THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY.

(D) THE BALLOT SHALL CONTAIN A DESCRIPTION OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT.

(E) THE BALLOT SHALL CONTAIN THE CURRENT RATE OF SALES TAX LEVIED BY THE DISTRICT.

(F) THE BALLOT SHALL CONTAIN THE FOLLOWING QUESTION: "SHALL THE AREA DESCRIBED IN THE BALLOT BE INCLUDED IN THE REGIONAL TRANSPORTATION DISTRICT?".

(b) THE GOVERNING BODIES OF ALL MUNICIPALITIES THAT INCLUDE PORTIONS OF THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT AND THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY SHALL CALL THE ELECTION AUTHORIZED BY THIS SECTION BY A SINGLE RESOLUTION MADE BY INTERGOVERNMENTAL AGREEMENT. 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.

SECTION 2. 32-9-111 (1) (b), Colorado Revised Statutes, 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, 32-9-106.4, ~~or~~ 32-9-106.5, 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. The vote by the board shall require a two-thirds majority.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of cash funds to be received from the regional transportation district, to the department of revenue, for the fiscal year beginning July 1, 1998, the sum of eighty-eight thousand dollars (\$88,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. 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: June 1, 1998