

CHAPTER 99

WATER AND IRRIGATION

HOUSE BILL 14-1184

BY REPRESENTATIVE(S) Vigil, Buckner, Labuda, Schafer, Young, Becker, Garcia, Hullinghorst, Pettersen, Rosenthal, Williams;
also SENATOR(S) Grantham, Crowder, Guzman, Heath, Herpin, Jahn, Kerr, King, Nicholson, Rivera, Steadman, Todd, Ulibarri, Zenzinger.

AN ACT

CONCERNING CONSERVANCY DISTRICTS THAT ARE ORGANIZED FOR THE PURPOSE OF PREVENTING FLOODS.

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

SECTION 1. In Colorado Revised Statutes, **amend** 37-3-101 as follows:

37-3-101. Appointment or election of directors. (1) (a) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION:

(I) Within thirty days after entering the decree incorporating ~~said~~ THE district, the court shall appoint as a board of directors of the district three persons who are residents of the county or counties in which the conservancy district is situated, at least two of whom shall own real property in ~~said~~ THE district, one for a term of two years, one for a term of three years, and one for a term of five years. WHEN A DIRECTOR NO LONGER RESIDES WITHIN THE DISTRICT OR NO LONGER OWNS PROPERTY WITHIN THE DISTRICT, A VACANCY IS CREATED ON THE DISTRICT'S BOARD OF DIRECTORS.

(II) At the expiration of ~~their~~ THE DIRECTORS' respective terms of office, ~~appointments shall be made by said~~ THE COURT SHALL MAKE APPOINTMENTS for terms of five years.

(III) The court shall fill all vacancies ~~which may~~ THAT occur on the ~~said~~ board.

(IV) Each director shall hold office during the term for which he OR SHE is appointed and until his OR HER successor is duly appointed and has qualified and

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

shall furnish a corporate surety bond, at the expense of the district, in an amount and form fixed and approved by the court, conditioned upon the faithful performance of his OR HER duties as director.

(b) All special and regular meetings of the board shall be held at locations ~~which~~ THAT are within the boundaries of the district or ~~which~~ THAT are within the boundaries of any county in which the district is located, in whole or in part, or in any county so long as the meeting location does not exceed twenty miles from the district boundaries. The provisions of this section governing the location of meetings may be waived only if the proposed change of location of a meeting of the board appears on the agenda of a regular or special meeting of the board and if a resolution is adopted by the board stating the reason for which a meeting of the board is to be held in a location other than under the provisions of this section and further stating the date, time, and place of ~~such~~ THE meeting.

(2) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2), WITH REGARD ONLY TO THE BOARD OF DIRECTORS OF THE PUEBLO CONSERVANCY DISTRICT:

(a) THE DIRECTORS WHO HELD OFFICE ON THE EFFECTIVE DATE OF THIS SUBSECTION (2), REFERRED TO IN THIS SUBSECTION (2) AS THE HOLDOVER DIRECTORS, CONTINUE TO HOLD OFFICE UNTIL THE EXPIRATION OF THEIR TERMS. UPON EXPIRATION OF THEIR TERMS, PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (2), THE GOVERNING BODY OF THE CITY OF PUEBLO SHALL FILL THE TWO VACANCIES FOR THE HOLDOVER DIRECTORS WHO RESIDED WITHIN THE CITY OF PUEBLO, AND PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (b) OF THIS SUBSECTION (2), THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY SHALL FILL THE VACANCY FOR THE HOLDOVER DIRECTOR WHO RESIDED WITHIN THE COUNTY OF PUEBLO.

(b) THE BOARD CONSISTS OF NINE DIRECTORS, WHO ARE APPOINTED AND REPRESENT AREAS WITHIN THE DISTRICT AS FOLLOWS:

(I) THE GOVERNING BODY OF THE CITY OF PUEBLO SHALL APPOINT FOUR OF THE DIRECTORS, WITH INITIAL TERMS OF THREE YEARS, WHO MUST REPRESENT AND BE RESIDENTS OF THE CITY OF PUEBLO;

(II) THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY SHALL APPOINT FOUR OF THE DIRECTORS WITH INITIAL TERMS OF FOUR YEARS. THREE OF THE DIRECTORS REPRESENT AND MUST BE RESIDENTS OF THOSE PORTIONS OF PUEBLO COUNTY NOT LOCATED WITHIN THE CITY OF PUEBLO. ONE DIRECTOR MUST REPRESENT AND RESIDE WITHIN THE PUEBLO WEST METROPOLITAN DISTRICT AND BE A MEMBER OR DESIGNEE OF THE BOARD OF DIRECTORS OF THE PUEBLO WEST METROPOLITAN DISTRICT.

(III) THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY AND THE GOVERNING BODY OF THE CITY OF PUEBLO SHALL JOINTLY APPOINT ONE AT-LARGE DIRECTOR, WHOSE INITIAL TERM IS FIVE YEARS.

(c) DIRECTORS SERVE AT THE PLEASURE OF THE RESPECTIVE APPOINTING AUTHORITIES. THE RESPECTIVE APPOINTING AUTHORITIES SHALL FILL VACANCIES ON THE BOARD, WHETHER BY EXPIRATION OF A TERM OF OFFICE, INCREASE IN THE

NUMBER OF DIRECTORS, OR OTHERWISE.

(d) THE BOARD SHALL COMPLY WITH THE OPEN MEETINGS LAW, SECTION 24-6-402, C.R.S., WITH REGARD TO ALL OFFICIAL BOARD ACTIONS, INCLUDING THOSE RELATED TO ALL PROPOSED INCREASES IN FEES ASSESSED BY THE BOARD.

SECTION 2. Act subject to petition - effective date - applicability. (1) 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 6, 2014, if adjournment sine die is on May 7, 2014); 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 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.

Approved: April 4, 2014