

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1005

BY REPRESENTATIVE(S) Marostica, Gerou, Liston, Massey, Nikkel, Stephens, Labuda, Todd;
also SENATOR(S) Veiga, White.

CONCERNING THE AUTHORITY OF A SPECIAL DISTRICT TO ESTABLISH SPECIAL IMPROVEMENT DISTRICTS WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT.

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

SECTION 1. 32-1-1101 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

32-1-1101. Common financial powers. (1) For and on behalf of the special district, the board has the following powers:

(g) TO ESTABLISH SPECIAL IMPROVEMENT DISTRICTS WITHIN THE BOUNDARIES OF A SPECIAL DISTRICT AND LEVY SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITED BY SUCH IMPROVEMENTS AS SPECIFIED IN SECTION 32-1-1101.7.

SECTION 2. Part 11 of article 1 of title 32, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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

32-1-1101.7. Establishment of special improvement districts within the boundaries of a special district. (1) A SPECIAL DISTRICT MAY ESTABLISH A SPECIAL IMPROVEMENT DISTRICT WITHIN THE BOUNDARIES OF THE SPECIAL DISTRICT TO FINANCE ALL OR PART OF THE COSTS OF ANY IMPROVEMENTS THAT THE SPECIAL DISTRICT IS AUTHORIZED TO FINANCE IF THE POWER TO LEVY ASSESSMENTS IS AUTHORIZED IN THE SPECIAL DISTRICT'S SERVICE PLAN OR STATEMENT OF PURPOSES OR APPROVED IN WRITING BY THE COUNTY OR MUNICIPALITY THAT APPROVED THE SPECIAL DISTRICT'S SERVICE PLAN OR ACCEPTED THE SPECIAL DISTRICT'S STATEMENT OF PURPOSES.

(2) IF A SPECIAL IMPROVEMENT DISTRICT IS ESTABLISHED WITHIN THE BOUNDARIES OF A SPECIAL DISTRICT, ASSESSMENTS SHALL BE LEVIED ON A FRONTAGE, AREA, ZONE, OR OTHER EQUITABLE BASIS AND ONLY:

(a) WITH THE WRITTEN CONSENT OF ONE HUNDRED PERCENT OF THE OWNERS OF THE PROPERTY TO BE ASSESSED; OR

(b) UPON APPROVAL OF A MAJORITY OF THE ELIGIBLE ELECTORS, AS DEFINED IN SECTION 32-1-103 (5), WITHIN THE SPECIAL IMPROVEMENT DISTRICT VOTING THEREON.

(3) THE METHOD OF CREATING A SPECIAL IMPROVEMENT DISTRICT, MAKING THE IMPROVEMENTS SPECIFIED FOR THE SPECIAL IMPROVEMENT DISTRICT, AND THE LEVYING AND COLLECTING OF ASSESSMENTS FOR THE COSTS OF THE IMPROVEMENTS SPECIFIED FOR THE SPECIAL IMPROVEMENT DISTRICT SHALL BE AS PROVIDED IN PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S., AS AMENDED, SUBJECT TO THE FOLLOWING:

(a) THE SPECIAL DISTRICT SHALL HAVE ALL THE RIGHTS, POWERS, AND DUTIES OF THE MUNICIPALITY AS SET FORTH IN PARTS 5 AND 11 OF ARTICLE 25 OF TITLE 31, C.R.S.

(b) THE BOARD SHALL PERFORM THE DUTIES OF THE GOVERNING BODY AS SET FORTH IN PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S.

(c) THE CHAIRMAN AND PRESIDENT OF THE SPECIAL DISTRICT SHALL PERFORM THE DUTIES OF THE MAYOR AS SET FORTH IN PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S.

(d) THE SECRETARY OF THE SPECIAL DISTRICT SHALL PERFORM THE DUTIES OF THE MUNICIPAL CLERK AS SET FORTH IN PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S.

(e) THE BOARD SHALL APPOINT A PERSON TO PERFORM THE DUTIES OF THE MUNICIPAL TREASURER AS SET FORTH IN PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S.

(f) ALL ACTIONS BY THE BOARD PURSUANT TO THE PROVISIONS OF PART 5 OF ARTICLE 25 OF TITLE 31, C.R.S., SHALL BE BY RESOLUTION, NOTWITHSTANDING ANY REFERENCE IN SAID PART 5 TO ACTION BY ORDINANCE.

(g) ANY BONDS PAYABLE FROM THE ASSESSMENTS SHALL BE APPROVED BY A MAJORITY OF THE ELIGIBLE ELECTORS, AS DEFINED IN SECTION 32-1-103 (5), VOTING ON THE QUESTION OF ISSUING SUCH BONDS. THE BOARD MAY DETERMINE BY RESOLUTION WHETHER THE ELIGIBLE ELECTORS VOTING ON THE QUESTION SHALL BE:

(I) THE ELIGIBLE ELECTORS OF THE SPECIAL DISTRICT; OR

(II) THE ELIGIBLE ELECTORS OF THE SPECIAL IMPROVEMENT DISTRICT.

SECTION 3. 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.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO