

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0653.01 Thomas Morris x4218

HOUSE BILL 14-1184

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HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

Grantham,

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House Committees  
Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CONSERVANCY DISTRICTS.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Conservancy districts may be formed by a local election to reduce flood risk, conserve or develop water resources, or participate in the development of parks or recreational facilities. **Section 1** of the bill clarifies that when a director no longer resides within a conservancy district, a vacancy is created on the district's board of directors.

The remainder of the bill applies only to the Pueblo conservancy district. **Section 1** increases the board of directors from 3 to 7 directors,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

makes the existing 3 directors at-large representatives, and specifies that the 4 new directors represent, respectively, the Colorado city metropolitan district (whose initial term is 2 years), the city of Pueblo (whose initial term is 3 years), the Pueblo West metropolitan district (whose initial term is 4 years), and those portions of Pueblo county not already represented (who serves a full 5-year term). All new vacancies must be filled by election rather than appointment by a district court judge.

**Section 2** specifies that the Pueblo conservancy district may spend district revenues, including from its construction and maintenance funds, for the following purposes, in the following order of priority:

- ! First, for the maintenance, repair, replacement, or improvement of the district's existing flood control levees;
- ! Second, for flood mitigation projects located in whole or part within the district, whether capital or otherwise, in the affected watershed upstream of the district's existing flood control levees; and
- ! Third, for flood mitigation projects located in whole or part within the district, whether capital or otherwise, in the affected watershed downstream of the district's existing flood control levees.

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

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

4 **37-3-101. Appointment or election of directors.** (1) (a) EXCEPT  
5 AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION:

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

14 (II) At the expiration of ~~their~~ THE DIRECTORS' respective terms of

1 office, ~~appointments shall be made by said~~ THE court SHALL MAKE  
2 APPOINTMENTS for terms of five years.

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

5 (IV) Each director shall hold office during the term for which he  
6 OR SHE is appointed and until his OR HER successor is duly appointed and  
7 has qualified and shall furnish a corporate surety bond, at the expense of  
8 the district, in an amount and form fixed and approved by the court,  
9 conditioned upon the faithful performance of his OR HER duties as  
10 director.

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

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

26 (a) THE BOARD CONSISTS OF SEVEN DIRECTORS, AS FOLLOWS:

27 (I) THE DIRECTORS WHO HELD OFFICE ON THE EFFECTIVE DATE OF

1 THIS SUBSECTION (2), REFERRED TO IN THIS SUBSECTION (2) AS THE  
2 HOLDOVER DIRECTORS, AND DIRECTORS WHO FILL THE VACANCIES OF THE  
3 HOLDOVER DIRECTORS, ARE AT-LARGE REPRESENTATIVES OF THE PUEBLO  
4 CONSERVANCY DISTRICT.

5 (II) THE FOUR NEW DIRECTORS REPRESENT SUBDISTRICTS OF THE  
6 DISTRICT AS FOLLOWS:

7 (A) ONE OF THE NEW DIRECTORS REPRESENTS, MUST BE A  
8 RESIDENT OF, AND MUST BE ELECTED BY ELECTORS RESIDING IN THE  
9 COLORADO CITY METROPOLITAN DISTRICT, WHOSE INITIAL TERM IS TWO  
10 YEARS;

11 (B) ONE OF THE NEW DIRECTORS REPRESENTS, MUST BE A  
12 RESIDENT OF, AND MUST BE ELECTED BY ELECTORS RESIDING IN THE CITY  
13 OF PUEBLO, WHOSE INITIAL TERM IS THREE YEARS;

14 (C) ONE OF THE NEW DIRECTORS REPRESENTS, MUST BE A  
15 RESIDENT OF, AND MUST BE ELECTED BY ELECTORS RESIDING IN THE  
16 PUEBLO WEST METROPOLITAN DISTRICT, WHOSE INITIAL TERM IS FOUR  
17 YEARS; AND

18 (D) ONE OF THE NEW DIRECTORS REPRESENTS, MUST BE A  
19 RESIDENT OF, AND MUST BE ELECTED BY ELECTORS RESIDING IN THE THOSE  
20 PORTIONS OF PUEBLO COUNTY NOT ALREADY REPRESENTED PURSUANT TO  
21 SUB-SUBPARAGRAPHS (A) TO (C) OF THIS SUBPARAGRAPH (II), WHOSE  
22 INITIAL TERM IS FIVE YEARS.

23 (b) VACANCIES ON THE BOARD, WHETHER BY EXPIRATION OF A  
24 TERM OF OFFICE, INCREASE IN THE NUMBER OF DIRECTORS, OR OTHERWISE,  
25 MUST BE FILLED PURSUANT TO AN ELECTION BY THE QUALIFIED ELECTORS  
26 WHO RESIDE WITHIN THE BOUNDARIES OF THE PUEBLO CONSERVANCY  
27 DISTRICT FOR AT-LARGE REPRESENTATIVES OR WITHIN THE RESPECTIVE

1 SUBDISTRICTS SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS  
2 SUBSECTION (2). THE DISTRICT SHALL REIMBURSE THE CLERK AND  
3 RECORDER OF PUEBLO COUNTY FOR THE EXPENSES OF HOLDING THE  
4 ELECTION.

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

9 **SECTION 2.** In Colorado Revised Statutes, 37-3-108, **add** (5) as  
10 follows:

11 **37-3-108. Plans.** (5) ON AND AFTER THE EFFECTIVE DATE OF THIS  
12 SUBSECTION (5), WITH REGARD ONLY TO THE PUEBLO CONSERVANCY  
13 DISTRICT, NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THE  
14 OFFICIAL PLAN OF THE DISTRICT, THE DISTRICT MAY EXPEND DISTRICT  
15 REVENUES, INCLUDING FROM THE CONSTRUCTION FUND AUTHORIZED IN  
16 SECTION 37-5-104 AND THE MAINTENANCE FUND AUTHORIZED IN SECTION  
17 37-5-107, FOR THE FOLLOWING PURPOSES, IN THE FOLLOWING ORDER OF  
18 PRIORITY:

19 (a) FIRST, FOR THE MAINTENANCE, REPAIR, REPLACEMENT, OR  
20 IMPROVEMENT OF THE DISTRICT'S EXISTING FLOOD CONTROL LEVEES;

21 (b) SECOND, FOR FLOOD MITIGATION PROJECTS LOCATED IN WHOLE  
22 OR PART WITHIN THE DISTRICT, WHETHER CAPITAL OR OTHERWISE, IN THE  
23 AFFECTED WATERSHED UPSTREAM OF THE DISTRICT'S EXISTING FLOOD  
24 CONTROL LEVEES; AND

25 (c) THIRD, FOR FLOOD MITIGATION PROJECTS LOCATED IN WHOLE  
26 OR PART WITHIN THE DISTRICT, WHETHER CAPITAL OR OTHERWISE, IN THE  
27 AFFECTED WATERSHED DOWNSTREAM OF THE DISTRICT'S EXISTING FLOOD

1 CONTROL LEVEES.

2           **SECTION 3. Act subject to petition - effective date -**  
3 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
4 the expiration of the ninety-day period after final adjournment of the  
5 general assembly (August 6, 2014, if adjournment sine die is on May 7,  
6 2014); except that, if a referendum petition is filed pursuant to section 1  
7 (3) of article V of the state constitution against this act or an item, section,  
8 or part of this act within such period, then the act, item, section, or part  
9 will not take effect unless approved by the people at the general election  
10 to be held in November 2014 and, in such case, will take effect on the  
11 date of the official declaration of the vote thereon by the governor.

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