

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-0653.01 Thomas Morris x4218

HOUSE BILL 14-1184

HOUSE SPONSORSHIP

Vigil,

SENATE SPONSORSHIP

Grantham,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

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

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.

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.*

SENATE
3rd Reading Unamended
March 17, 2014

SENATE
Amended 2nd Reading
March 14, 2014

HOUSE
3rd Reading Unamended
February 24, 2014

HOUSE
Amended 2nd Reading
February 21, 2014

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

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 OR NO LONGER OWNS PROPERTY
13 WITHIN THE DISTRICT, A VACANCY IS CREATED ON THE DISTRICT'S BOARD

1 OF DIRECTORS.

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

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

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

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

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

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

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

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

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

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

1 (c) DIRECTORS SERVE AT THE PLEASURE OF THE RESPECTIVE
2 APPOINTING AUTHORITIES. THE RESPECTIVE APPOINTING AUTHORITIES
3 SHALL FILL VACANCIES ON THE BOARD, WHETHER BY EXPIRATION OF A
4 TERM OF OFFICE, INCREASE IN THE NUMBER OF DIRECTORS, OR OTHERWISE.

5 (d) 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

10 **SECTION 2. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 6, 2014, if adjournment sine die is on May 7,
14 2014); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2014 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.

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