

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0557.01 Jason Gelender

**SENATE BILL 09-141**

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**SENATE SPONSORSHIP**

**Tapia,**

**HOUSE SPONSORSHIP**

**Looper and Pace, Vigil**

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**Senate Committees**  
Agriculture and Natural Resources

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF THE FOUNTAIN CREEK WATERSHED,**  
102 **FLOOD CONTROL, AND GREENWAY DISTRICT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Creates the Fountain creek watershed, flood control, and greenway district. Specifies the boundaries, governance, and powers and duties of the district.

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

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.*

1                   **SECTION 1.** Title 32, Colorado Revised Statutes, is amended BY  
2 THE ADDITION OF A NEW ARTICLE to read:

3                                   **ARTICLE 11.5**  
4                                   **Fountain Creek Watershed, Flood**  
5                                   **Control, and Greenway District**

6   PART 1  
7   GENERAL PROVISIONS

8                   **32-11.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
9 MAY BE CITED AS THE "FOUNTAIN CREEK WATERSHED, FLOOD CONTROL,  
10 AND GREENWAY DISTRICT ACT".

11                   **32-11.5-102. Legislative declaration.** (1) THE GENERAL  
12 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

13                   (a) THE FOUNTAIN CREEK WATERSHED, INCLUDING FOUNTAIN  
14 CREEK, RELATED WETLANDS, EXISTING TRAILS, AND RECREATIONAL  
15 FACILITIES, IS A UNIQUE AND HIGH QUALITY WATERSHED THAT IS AN  
16 IMPORTANT RESOURCE AND ASSET TO THE PEOPLE OF EL PASO COUNTY,  
17 PUEBLO COUNTY, AND THE STATE OF COLORADO;

18                   (b) THERE ARE MANY CHALLENGES ARISING FROM THE UNIQUE  
19 NATURE OF THE FOUNTAIN CREEK WATERSHED, INCLUDING TORRENTIAL  
20 STORMS THAT OCCUR INTERMITTENTLY IN URBAN AND RURAL AREAS THAT  
21 DRAIN INTO FOUNTAIN CREEK AND RESULT IN INCREASED POTENTIAL FOR  
22 FLOOD DANGER TO PROPERTY, NATURAL RESOURCES, AND PERSONS WITHIN  
23 THE URBAN AND RURAL AREAS OF THE WATERSHED;

24                   (c) IT IS NECESSARY TO ADDRESS FLOODING, DRAINAGE, AND  
25 EROSION PROBLEMS WITHIN THE FOUNTAIN CREEK WATERSHED IN EL PASO  
26 COUNTY AND PUEBLO COUNTY;

27                   (d) BECAUSE THE FOUNTAIN CREEK WATERSHED IS PHYSICALLY

1 LOCATED IN BOTH EL PASO COUNTY AND PUEBLO COUNTY AND CROSSES  
2 THE JURISDICTIONAL BOUNDARIES OF THE TWO COUNTIES, THE CITIES OF  
3 COLORADO SPRINGS, FOUNTAIN, AND PUEBLO, AND THE TOWNS OF  
4 PALMER LAKE, GREEN MOUNTAIN FALLS, MONUMENT, AND MANITOU  
5 SPRINGS, THE WATERSHED INCLUDES LARGE AREAS OF BOTH  
6 INCORPORATED AND UNINCORPORATED LAND, WHICH HAS:

7 (I) RESULTED IN THE FRAGMENTATION AND PROLIFERATION  
8 AMONG THE COUNTIES AND MUNICIPALITIES OF POWERS, RIGHTS,  
9 PRIVILEGES, AND DUTIES PERTAINING TO STORM WATER, FLOOD  
10 MITIGATION, AND ATTENUATION AND DRAINAGE WITHIN THE WATERSHED;  
11 AND

12 (II) LEFT THE COUNTIES AND MUNICIPALITIES UNABLE TO ACQUIRE  
13 SUITABLE CAPITAL IMPROVEMENTS FOR THE MITIGATION OF THE  
14 FLOODING, DRAINAGE, AND EROSION PROBLEMS WITHIN THE WATERSHED;

15 (e) IN ORDER TO ADDRESS FLOODING, DRAINAGE, AND EROSION  
16 PROBLEMS WITHIN THE FOUNTAIN CREEK WATERSHED AND EFFECTIVELY  
17 PROTECT, DEVELOP, AND USE THE NATURAL RESOURCES WITHIN THE  
18 WATERSHED, IT IS NECESSARY AND APPROPRIATE TO CREATE THE  
19 FOUNTAIN CREEK WATERSHED, FLOOD CONTROL, AND GREENWAY  
20 DISTRICT AND TO AUTHORIZE THE DISTRICT TO PRIMARILY MANAGE,  
21 ADMINISTER, AND FUND THE CAPITAL IMPROVEMENTS NECESSARY IN THE  
22 FOUNTAIN CREEK WATERSHED TO:

- 23 (I) MITIGATE FLOODING, SEDIMENTATION, AND EROSION;
- 24 (II) ADDRESS WATER QUALITY ISSUES;
- 25 (III) IMPROVE DRAINAGE;
- 26 (IV) FUND THE PROTECTION OF OPEN SPACE; AND
- 27 (V) DEVELOP PUBLIC RECREATIONAL OPPORTUNITIES, INCLUDING

1 PARKS AND TRAILS.

2 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

3 (a) A GENERAL LAW CANNOT BE MADE APPLICABLE TO THE  
4 FOUNTAIN CREEK WATERSHED, FLOOD CONTROL, AND GREENWAY  
5 DISTRICT, OR TO THE PROPERTIES, POWERS, DUTIES, PRIVILEGES,  
6 IMMUNITIES, RIGHTS, LIABILITIES, AND DISABILITIES PERTAINING THERETO  
7 AS PROVIDED IN THIS ARTICLE, BECAUSE OF THE NUMBER OF ATYPICAL  
8 FACTORS AND SPECIAL CONDITIONS CONCERNING THEM;

9 (b) THE CREATION OF THE FOUNTAIN CREEK WATERSHED, FLOOD  
10 CONTROL, AND GREENWAY DISTRICT PROMOTES THE HEALTH, COMFORT,  
11 SAFETY, CONVENIENCE, AND WELFARE OF ALL THE PEOPLE OF THE STATE  
12 AND IS OF SPECIAL BENEFIT TO THE INHABITANTS OF THE DISTRICT AND  
13 THE PROPERTY WITHIN THE DISTRICT;

14 (c) ALL PROPERTY TO BE ACQUIRED BY THE DISTRICT UNDER THIS  
15 ARTICLE SHALL BE OWNED, OPERATED, ADMINISTERED, AND MAINTAINED  
16 FOR AND ON BEHALF OF ALL OF THE PEOPLE OF THE DISTRICT.

17 **32-11.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "ASSESSABLE PROPERTY" MEANS ANY TRACT OF LAND IN AN  
20 IMPROVEMENT DISTRICT SPECIALLY BENEFITED BY A PROJECT PAID FOR IN  
21 WHOLE OR IN PART BY THE DISTRICT BY THE LEVY OF ASSESSMENTS OTHER  
22 THAN:

23 (a) A TRACT OWNED BY THE FEDERAL GOVERNMENT ABSENT ITS  
24 CONSENT TO THE ASSESSMENT OF THE TRACT; OR

25 (b) A STREET, ALLEY, HIGHWAY, OR OTHER PUBLIC RIGHT-OF-WAY  
26 OF A PUBLIC BODY.

27 (2) "ASSESSMENT UNIT" MEANS A UNIT OR QUASI-IMPROVEMENT

1 DISTRICT DESIGNATED BY THE BOARD FOR THE PURPOSE OF PETITION,  
2 REMONSTRANCE, AND ASSESSMENT IN THE CASE OF A COMBINATION OF  
3 PROJECTS IN AN IMPROVEMENT DISTRICT.

4 (3) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE DISTRICT.

5 (4) "BOND" MEANS ANY BOND, NOTE, WARRANT, INTERIM  
6 CERTIFICATE, CONTRACT, OR OTHER EVIDENCE OF INDEBTEDNESS OF THE  
7 DISTRICT ISSUED OR OTHERWISE EXECUTED PURSUANT TO THIS ARTICLE,  
8 INCLUDING, BUT NOT LIMITED TO, ANY OBLIGATION TO THE UNITED  
9 STATES IN CONNECTION WITH A LOAN FROM OR GUARANTEED BY THE  
10 UNITED STATES.

11 (5) "CHAIRPERSON" MEANS THE PRESIDING OFFICER OF THE BOARD  
12 OR HIS OR HER SUCCESSOR IN FUNCTIONS, IF ANY.

13 (6) "CITIZENS ADVISORY GROUP" MEANS THE CITIZENS APPOINTED  
14 BY THE BOARD TO REPRESENT VARIOUS INTERESTS IDENTIFIED IN THIS  
15 ARTICLE AND TO CONSULT WITH AND OFFER ADVICE TO THE BOARD ON  
16 MANAGING THE WATERSHED.

17 (7) "CONDEMNATION" OR "CONDEMN" MEANS THE EXERCISE OF  
18 THE POWER OF EMINENT DOMAIN BY THE DISTRICT FOR THE PURPOSE OF  
19 ACQUIRING PROPERTY FOR ANY PROJECT, FACILITIES, OR INTEREST  
20 THEREIN AUTHORIZED BY THE DISTRICT PURSUANT TO THIS ARTICLE.

21 (8) "CORPORATE DISTRICT" MEANS A DISTRICT CONSTITUTING A  
22 BODY CORPORATE AND POLITIC AND A POLITICAL SUBDIVISION OF THE  
23 STATE, INCLUDING, BUT NOT LIMITED TO, A SCHOOL DISTRICT, A JUNIOR  
24 COLLEGE DISTRICT, A SPECIAL DISTRICT CREATED PURSUANT TO ARTICLE  
25 1 OF THIS TITLE, ANY OTHER KIND OF DISTRICT CREATED PURSUANT TO  
26 THIS TITLE, A PUBLIC IMPROVEMENT DISTRICT, OR A LOCAL IMPROVEMENT  
27 DISTRICT; EXCEPT THAT "CORPORATE DISTRICT" DOES NOT INCLUDE THE

1 DISTRICT OR AN IMPROVEMENT DISTRICT.

2 (9) "DIRECTOR" MEANS A MEMBER OF THE BOARD.

3 (10) "DISTRICT" MEANS THE FOUNTAIN CREEK WATERSHED, FLOOD  
4 CONTROL, AND GREENWAY DISTRICT CREATED IN SECTION 32-11.5-201.

5 (11) "ELIGIBLE ELECTOR" MEANS AN ELIGIBLE ELECTOR AS  
6 DEFINED IN SECTION 32-1-103 (5).

7 (12) "ENGINEER" MEANS ANY ENGINEER IN THE PERMANENT  
8 EMPLOY OF THE DISTRICT, ANY LICENSED PROFESSIONAL ENGINEER, OR  
9 ANY FIRM OF PROFESSIONAL ENGINEERS AS DETERMINED BY THE BOARD  
10 THAT:

11 (a) HAS A WIDE AND FAVORABLE REPUTATION FOR SKILL AND  
12 EXPERIENCE IN THE FIELD OF DESIGNING AND PREPARING PLANS AND  
13 SPECIFICATIONS FOR AND SUPERVISING THE CONSTRUCTION OF FACILITIES  
14 LIKE THOSE THE DISTRICT IS AUTHORIZED TO ACQUIRE;

15 (b) IS PRACTICING ENGINEERING UNDER THE LAWS OF THE STATE;  
16 AND

17 (c) IS SELECTED, RETAINED, AND COMPENSATED BY THE DISTRICT  
18 AS REQUIRED BY SECTION 32-11.5-205 (1) (h) (I).

19 (13) "EQUIP" MEANS THE FURNISHING OF ALL NECESSARY OR  
20 DESIRABLE, RELATED, OR APPURTENANT MACHINERY, FURNISHINGS,  
21 APPARATUS, PARAPHERNALIA, AND OTHER GEAR, OR ANY COMBINATION  
22 THEREOF, PERTAINING TO ANY PROJECT OR OTHER PROPERTY OF THE  
23 DISTRICT, OR ANY INTEREST THEREIN, AUTHORIZED IN THIS ARTICLE OR  
24 OTHERWISE RELATING TO FACILITIES.

25 (14) "FACILITIES" MEANS ALL OR ANY PORTION OF THE DRAINAGE  
26 AND FLOOD CONTROL SYSTEM OF THE DISTRICT, CONSISTING OF ALL  
27 PROPERTY OWNED OR ACQUIRED BY THE DISTRICT THROUGH PURCHASE,

1 CONSTRUCTION, OR OTHERWISE, THAT IS USED BY THE DISTRICT IN  
2 CONNECTION WITH DRAINAGE AND FLOOD CONTROL, WHETHER SITUATED  
3 WITHIN OR OUTSIDE, OR BOTH WITHIN AND OUTSIDE, THE TERRITORY OF  
4 THE DISTRICT, INCLUDING, BUT NOT LIMITED TO, NATURAL AND ARTIFICIAL  
5 WATERCOURSES FOR THE COLLECTION, CHANNELING, IMPOUNDING, AND  
6 DISPOSITION OF RAINFALL, OTHER SURFACE AND SUBSURFACE DRAINAGE,  
7 AND STORM AND FLOOD WATERS, INCLUDING, BUT NOT LIMITED TO,  
8 DITCHES, PONDS, DAMS, SPILLWAYS, RETARDING BASINS, DETENTION  
9 BASINS, LAKES, RESERVOIRS, CANALS, CHANNELS, LEVEES, REVETMENTS,  
10 DIKES, WALLS, EMBANKMENTS, BRIDGES, INLETS, OUTLETS, CONNECTIONS,  
11 LATERALS, OTHER COLLECTION LINES, INTERCEPTING SEWERS, OUTFALLS,  
12 OUTFALL SEWERS, TRUNK SEWERS, FORCE MAINS, SUBMAINS, WATERLINES,  
13 SLUICES, FLUMES, SYPHONS, SEWER LINES, PIPES, OTHER TRANSMISSION  
14 LINES, CULVERTS, PUMPING STATIONS, GAUGING STATIONS, STREAM  
15 GAUGES, RAIN GAUGES, ENGINES, VALVES, PUMPS, METERS, JUNCTION  
16 BOXES, MANHOLES, OTHER INLET AND OUTLET STRUCTURES, MOTOR  
17 VEHICLES, BUCKET MACHINES, INLET AND OUTLET CLEANERS, BACKHOES,  
18 DRAGLINES, GRADERS, OTHER EQUIPMENT, APPARATUS, FIXTURES,  
19 STRUCTURES, AND BUILDINGS, FLOOD WARNING SERVICES, AND  
20 APPURTENANT TELEPHONE, TELEGRAPH, RADIO, AND TELEVISION  
21 APPARATUS, AND OTHER WATER DIVERSION, DRAINAGE, AND FLOOD  
22 CONTROL FACILITIES, AND ALL APPURTENANCES AND INCIDENTALS  
23 NECESSARY, USEFUL, OR DESIRABLE FOR ANY SUCH FACILITIES INCLUDING  
24 REAL AND OTHER PROPERTY THEREFOR.

25 (15) "FISCAL YEAR" MEANS THE TWELVE MONTHS COMMENCING  
26 ON THE FIRST DAY OF JANUARY OF ANY CALENDAR YEAR AND ENDING ON  
27 THE LAST DAY OF DECEMBER OF THE SAME CALENDAR YEAR.

1           (16) "FOUNTAIN CREEK WATERSHED" OR "WATERSHED" MEANS  
2 THE WATERSHED OFFICIALLY DENOMINATED BY THE UNITED STATES  
3 GOVERNMENT AS "WATERSHED BOUNDARY DATASET, HYDRAULIC UNIT  
4 CODE# 11020003, FOUNTAIN CREEK SUB-BASIN OF THE ARKANSAS RIVER,  
5 COLORADO".

6           (17) "GOVERNING BODY" MEANS A CITY COUNCIL, BOARD OF  
7 COUNTY COMMISSIONERS, BOARD OF DIRECTORS, OR OTHER ENTITY IN  
8 WHICH THE LEGISLATIVE POWERS OF A PUBLIC BODY ARE VESTED.

9           (18) "IMPROVEMENT" OR "IMPROVE" MEANS THE EXTENSION,  
10 ENLARGEMENT, BETTERMENT, ALTERATION, RECONSTRUCTION,  
11 REPLACEMENT, OR MAJOR REPAIR OF FACILITIES, A PROJECT,  
12 INFRASTRUCTURE, RELATED PROPERTY, OR AN INTEREST THEREIN.

13           (19) "IMPROVEMENT DISTRICT" MEANS A CONTIGUOUS OR  
14 NONCONTIGUOUS GEOGRAPHICAL AREA WITHIN THE DISTRICT THAT IS  
15 DESIGNATED AND DELINEATED BY THE BOARD BY AN ASSIGNED NUMBER  
16 OR IN SOME OTHER MANNER THAT SEPARATELY IDENTIFIES IT FROM ANY  
17 OTHER IMPROVEMENT DISTRICT AND CONTAINS FACILITIES OR A PROJECT,  
18 OR AN INTEREST IN FACILITIES OR A PROJECT, THE COST OF WHICH IS TO BE  
19 DEFRAIDED WHOLLY OR IN PART BY THE LEVY OF SPECIAL ASSESSMENTS  
20 AGAINST EACH TRACT WITHIN THE AREA.

21           (20) "INFRASTRUCTURE" MEANS ONE MORE ELEMENTS OF A  
22 DRAINAGE OR FLOOD CONTROL SYSTEM THAT IS SIMILAR IN KIND TO  
23 FACILITIES BUT OWNED BY A PUBLIC BODY OR OTHER PERSON OTHER THAN  
24 THE DISTRICT.

25           (21) "MAILED NOTICE" MEANS ANY DESIGNATED WRITTEN OR  
26 PRINTED NOTICE ADDRESSED TO THE LAST-KNOWN OWNER OF EACH TRACT  
27 ASSESSED OR TO BE ASSESSED OR OTHER DESIGNATED PERSON AT HIS OR



1 HER LAST-KNOWN ADDRESS, BY DEPOSIT AT LEAST TWENTY DAYS PRIOR  
2 TO THE DESIGNATED HEARING OR OTHER TIME OR EVENT IN THE UNITED  
3 STATES MAIL, POSTAGE PREPAID, AS FIRST-CLASS MAIL.

4 (22) "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.

5 (23) "NEWSPAPER" MEANS A NEWSPAPER PRINTED IN THE ENGLISH  
6 LANGUAGE AT LEAST ONCE EACH CALENDAR WEEK.

7 (24) "PROJECT" MEANS ANY FACILITY OR RELATED GROUP OF  
8 FACILITIES THAT THE BOARD DETERMINES TO AUTHORIZE, CONSTRUCT, OR  
9 ACQUIRE AT ONE TIME.

10 (25) "PUBLICATION" OR "PUBLISH" MEANS THREE CONSECUTIVE  
11 WEEKLY PUBLICATIONS IN AT LEAST ONE NEWSPAPER HAVING GENERAL  
12 CIRCULATION IN THE DISTRICT.

13 (26) (a) "PUBLIC BODY" MEANS THE STATE OF COLORADO OR ANY  
14 AGENCY, INSTRUMENTALITY, OR CORPORATION THEREOF; ANY COUNTY,  
15 MUNICIPALITY, CORPORATE DISTRICT, AUTHORITY, OR STATE INSTITUTION  
16 OF HIGHER EDUCATION; OR ANY OTHER BODY CORPORATE AND POLITIC  
17 AND POLITICAL SUBDIVISION OF THE STATE.

18 (b) "PUBLIC BODY" DOES NOT INCLUDE THE FEDERAL  
19 GOVERNMENT OR THE DISTRICT.

20 (27) "REPRESENTED PUBLIC BODY" MEANS A PUBLIC BODY THAT  
21 IS ENTITLED, ALONE OR IN CONCERT WITH ANOTHER PUBLIC BODY, TO  
22 APPOINT ONE OR MORE DIRECTORS TO THE BOARD.

23 (28) "SERVICE CHARGES" MEANS THE FEES, RATES, AND OTHER  
24 CHARGES FOR THE USE OF THE FACILITIES OF THE DISTRICT OR FOR ANY  
25 RELATED SERVICE RENDERED BY THE DISTRICT.

26 (29) "SMALL MUNICIPALITIES" MEANS, COLLECTIVELY, GREEN  
27 MOUNTAIN FALLS, MANITOU, MONUMENT, AND PALMER LAKE,

1 COLORADO.

2 (30) "SPECIAL ASSESSMENT" MEANS A CHARGE LEVIED AGAINST  
3 ANY TRACT SPECIALLY BENEFITED IN AN IMPROVEMENT DISTRICT BY ANY  
4 PROJECT THAT SHALL BE MADE ON A FRONT-FOOT, ZONE, AREA, OR OTHER  
5 EQUITABLE BASIS AS DETERMINED BY THE BOARD; EXCEPT THAT THE  
6 CHARGE SHALL NOT EXCEED THE ESTIMATED MAXIMUM SPECIAL BENEFITS  
7 TO THE TRACT ASSESSED AS DETERMINED BY THE BOARD PURSUANT TO  
8 PART 5 OF THIS ARTICLE.

9 (31) "TECHNICAL ADVISORY COMMITTEE" MEANS THE ADVISORY  
10 COMMITTEE MADE UP OF TECHNICAL EXPERTS APPOINTED BY THE BOARD  
11 TO PROVIDE RECOMMENDATIONS TO THE BOARD REGARDING PUBLIC  
12 POLICY OR EXPENDITURE OF FUNDS FOR THE BENEFIT OF THE WATERSHED.

13 (32) (a) "TRACT" MEANS ANY LOT OR OTHER PARCEL OF LAND FOR  
14 ASSESSMENT PURPOSES, WHETHER PLATTED OR UNPLATTED, REGARDLESS  
15 OF LOT OR LAND LINES.

16 (b) LOTS, PLOTS, BLOCKS, AND OTHER SUBDIVISIONS MAY BE  
17 DESIGNATED IN ACCORDANCE WITH ANY RECORDED PLAT THEREOF, AND  
18 ALL LANDS, PLATTED AND UNPLATTED, SHALL BE DESIGNATED BY A  
19 DEFINITE DESCRIPTION.

20 **32-11.5-104. Public purpose - liberal construction - sufficiency**  
21 **of article.** (1) THE EXERCISE OF ANY POWER AUTHORIZED IN THIS  
22 ARTICLE BY THE BOARD ON BEHALF OF THE DISTRICT AND ANY PROJECT  
23 AUTHORIZED PURSUANT TO THIS ARTICLE EFFECTS A PUBLIC PURPOSE.

24 (2) THIS ARTICLE BEING NECESSARY TO SECURE AND PRESERVE  
25 THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, THE RULE OF  
26 STRICT CONSTRUCTION SHALL NOT APPLY TO THIS ARTICLE. THIS ARTICLE  
27 SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS PURPOSES.

1           (3) (a) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THIS  
2 ARTICLE, WITHOUT REFERENCE TO ANY OTHER LAW, SHALL CONSTITUTE  
3 FULL AUTHORITY FOR THE EXERCISE OF THE POWERS GRANTED IN THIS  
4 ARTICLE, INCLUDING WITHOUT LIMITATION THE FINANCING OF ANY  
5 PROJECT AUTHORIZED IN THIS ARTICLE WHOLLY OR IN PART AND THE  
6 ISSUANCE OF BONDS TO EVIDENCE THE FINANCING.

7           (b) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, NO OTHER  
8 LAW WITH REGARD TO THE AUTHORIZATION OR ISSUANCE OF BONDS OR  
9 THE EXERCISE OF ANY OTHER POWER GRANTED IN THIS ARTICLE THAT  
10 PROVIDES FOR AN ELECTION, REQUIRES AN APPROVAL, OR IN ANY WAY  
11 IMPEDES OR RESTRICTS THE CARRYING OUT OF THE ACTS AUTHORIZED IN  
12 THIS ARTICLE SHALL APPLY TO PROCEEDINGS TAKEN UNDER OR ACTS DONE  
13 PURSUANT TO THIS ARTICLE.

14           (c) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, NO NOTICE,  
15 CONSENT, OR APPROVAL BY ANY PUBLIC BODY OR OFFICER THEREOF SHALL  
16 BE REQUIRED AS A PREREQUISITE TO THE SALE OR ISSUANCE OF ANY BONDS  
17 OR THE MAKING OF ANY CONTRACT OR THE EXERCISE OF ANY OTHER  
18 POWER UNDER THIS ARTICLE.

19           (d) THE POWERS CONFERRED BY THIS ARTICLE SHALL BE IN  
20 ADDITION AND SUPPLEMENTAL TO, AND NOT IN SUBSTITUTION FOR, AND  
21 THE LIMITATIONS IMPOSED BY THIS ARTICLE SHALL NOT AFFECT, THE  
22 POWERS CONFERRED BY ANY OTHER LAW.

23           (e) NOTHING IN THIS ARTICLE SHALL REPEAL OR AFFECT ANY  
24 OTHER LAW EXCEPT TO THE EXTENT THAT THIS ARTICLE IS INCONSISTENT  
25 WITH ANY OTHER LAW, THIS ARTICLE BEING INTENDED TO PROVIDE A  
26 SEPARATE METHOD OF ACCOMPLISHING ITS OBJECTIVES AND NOT AN  
27 EXCLUSIVE ONE. THIS ARTICLE SHALL NOT BE CONSTRUED AS REPEALING,

1 AMENDING, OR CHANGING ANY OTHER LAW EXCEPT TO THE EXTENT THAT  
2 THE OTHER LAW IS INCONSISTENT WITH THIS ARTICLE.

3 PART 2

4 DISTRICT ADMINISTRATION AND POWERS

5 **32-11.5-201. Creation of district.** THERE IS HEREBY CREATED  
6 THE FOUNTAIN CREEK WATERSHED, FLOOD CONTROL, AND GREENWAY  
7 DISTRICT, WHICH SHALL BE A PUBLIC BODY POLITIC AND CORPORATE AND  
8 A POLITICAL SUBDIVISION OF THE STATE. THE DISTRICT SHALL NOT BE AN  
9 AGENCY OF STATE GOVERNMENT AND SHALL NOT BE SUBJECT TO  
10 ADMINISTRATIVE DIRECTION BY ANY DEPARTMENT, COMMISSION, BOARD,  
11 BUREAU, OR AGENCY OF THE STATE.

12 **32-11.5-202. Boundaries of the district.** THE AREA COMPRISING  
13 THE DISTRICT CONSISTS OF THE COUNTIES OF EL PASO AND PUEBLO.

14 **32-11.5-203. Board of directors - general powers and**  
15 **delegation thereof - manner of appointment - compensation.**

16 (1) (a) THE DISTRICT SHALL BE GOVERNED BY A BOARD OF DIRECTORS,  
17 AND, SUBJECT TO PARAGRAPH (b) OF THIS SUBSECTION (1), THE BOARD  
18 SHALL EXERCISE ALL POWERS, RIGHTS, PRIVILEGES, AND DUTIES OF THE  
19 DISTRICT AS PROVIDED IN THIS ARTICLE.

20 (b) (I) THE BOARD MAY CREATE AN EXECUTIVE COMMITTEE OF THE  
21 BOARD AND MAY DELEGATE TO THE COMMITTEE SUCH POWER TO ACT ON  
22 BEHALF OF THE DISTRICT AS THE BOARD MAY DETERMINE BY RESOLUTION.

23 (II) THE BOARD MAY APPOINT AN EXECUTIVE DIRECTOR FOR THE  
24 DISTRICT AND MAY DELEGATE THE EXERCISE OF ANY OF ITS EXECUTIVE,  
25 ADMINISTRATIVE, AND MINISTERIAL POWERS TO THE EXECUTIVE DIRECTOR  
26 AND ANY OTHER STAFF OF THE DISTRICT. THE EXECUTIVE DIRECTOR  
27 SHALL HAVE SUCH POWERS AS MAY BE GRANTED BY THE BOARD, WHICH

1 MAY INCLUDE, BUT ARE NOT LIMITED TO, THE ABILITY TO HIRE  
2 EMPLOYEES, CONSULTANTS, OR STAFF TO HELP CARRY OUT THE DAY TO  
3 DAY OPERATIONS OF THE DISTRICT AND TO HELP EXECUTE THE SPENDING  
4 PLAN ADOPTED BY THE BOARD. THE BOARD MAY ALSO CONTRACT FOR  
5 PROFESSIONAL SERVICES, INCLUDING, BUT NOT LIMITED TO, FINANCIAL,  
6 LEGAL, AND ENGINEERING SERVICES, TO THE EXTENT NECESSARY TO  
7 ADMINISTER AND IMPLEMENT THE PURPOSES OF THIS ARTICLE.

8 (2) (a) THE BOARD SHALL CONSIST OF NINE DIRECTORS APPOINTED  
9 AS FOLLOWS:

10 (I) ONE PUEBLO COUNTY COMMISSIONER APPOINTED BY THE  
11 PUEBLO COUNTY BOARD OF COUNTY COMMISSIONERS AS A  
12 REPRESENTATIVE OF PUEBLO COUNTY;

13 (II) ONE EL PASO COUNTY COMMISSIONER APPOINTED BY THE EL  
14 PASO COUNTY BOARD OF COUNTY COMMISSIONERS AS A REPRESENTATIVE  
15 OF EL PASO COUNTY;

16 (III) ONE DIRECTOR APPOINTED BY THE PUEBLO CITY COUNCIL AS  
17 A REPRESENTATIVE OF THE CITY OF PUEBLO;

18 (IV) ONE DIRECTOR APPOINTED BY THE COLORADO SPRINGS CITY  
19 COUNCIL AS A REPRESENTATIVE OF THE CITY OF COLORADO SPRINGS;

20 (V) ONE DIRECTOR APPOINTED BY THE FOUNTAIN CITY COUNCIL  
21 AS A REPRESENTATIVE OF THE CITY OF FOUNTAIN;

22 (VI) ONE DIRECTOR APPOINTED BY THE PUEBLO COUNTY BOARD  
23 OF COUNTY COMMISSIONERS WHO IS A REPRESENTATIVE OF THE LOWER  
24 ARKANSAS VALLEY CONSERVANCY DISTRICT OR A CITIZEN OF PUEBLO  
25 COUNTY;

26 (VII) ONE DIRECTOR APPOINTED JOINTLY BY THE COLORADO  
27 SPRINGS CITY COUNCIL AND THE EL PASO COUNTY BOARD OF COUNTY

1 COMMISSIONERS WHO IS EITHER A REPRESENTATIVE OF THE SMALL  
2 MUNICIPALITIES SELECTED FROM A GROUP OF AT LEAST TWO CANDIDATES  
3 NOMINATED JOINTLY BY THE SMALL MUNICIPALITIES, OR, IF THE SMALL  
4 MUNICIPALITIES DO NOT SUBMIT AT LEAST TWO CANDIDATES, IS A CITIZEN  
5 OF EL PASO COUNTY;

6 (VIII) ONE DIRECTOR APPOINTED JOINTLY BY THE PUEBLO CITY  
7 COUNCIL AND THE PUEBLO COUNTY BOARD OF COUNTY COMMISSIONERS  
8 WHO IS A CITIZEN AT LARGE; AND

9 (IX) ONE DIRECTOR APPOINTED JOINTLY BY THE EL PASO COUNTY  
10 AND PUEBLO COUNTY BOARDS OF COUNTY COMMISSIONERS WHO IS A  
11 MEMBER OF THE CITIZENS ADVISORY GROUP.

12 (b) THE TERM OF EACH DIRECTOR SHALL COMMENCE ON  
13 FEBRUARY 1; EXCEPT THAT THE TERMS OF THE DIRECTORS INITIALLY  
14 APPOINTED SHALL COMMENCE IMMEDIATELY UPON THEIR APPOINTMENT.  
15 THE DIRECTORS INITIALLY APPOINTED PURSUANT TO SUBPARAGRAPHS (I),  
16 (IV), (VII), AND (IX) OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL  
17 SERVE INITIAL TERMS THROUGH JANUARY 31, 2011, AND THE DIRECTORS  
18 INITIALLY APPOINTED PURSUANT TO SUBPARAGRAPHS (II), (III), (V), (VI),  
19 AND (VIII) OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL SERVE  
20 INITIAL TERMS THROUGH JANUARY 31, 2012. THE TERM OF EACH  
21 DIRECTOR APPOINTED AFTER THE INITIAL APPOINTMENTS SHALL BE FOR  
22 TWO YEARS. EACH APPOINTING AUTHORITY OR PAIR OF JOINT APPOINTING  
23 AUTHORITIES HAS SOLE DISCRETION TO REAPPOINT ANY DIRECTOR WHO  
24 THE AUTHORITY OR AUTHORITIES INITIALLY APPOINTED.

25 (c) EACH APPOINTING AUTHORITY SHALL SELECT AND APPOINT ITS  
26 RESPECTIVE DIRECTOR IN ANY LAWFUL MANNER AS DETERMINED BY THE  
27 APPOINTING AUTHORITY. EACH APPOINTING AUTHORITY SHALL

1 DESIGNATE AND PROVIDE NOTICE TO THE OTHER REPRESENTED PUBLIC  
2 BODIES OF THE IDENTITY OF ITS RESPECTIVE DIRECTOR, AND ANY DESIGNEE  
3 OR ALTERNATE IT MAY CHOOSE TO NAME, WITHIN THIRTY DAYS AFTER THE  
4 APPOINTMENT. EACH APPOINTING AUTHORITY MAY ALSO NAME AN  
5 ALTERNATE DIRECTOR TO ATTEND MEETINGS IF THE PRIMARY DIRECTOR IS  
6 UNAVAILABLE TO ATTEND OR HAS A CONFLICT OF INTEREST.

7 (d) IF A BOARD VACANCY OCCURS FOR ANY REASON INCLUDING,  
8 BUT NOT LIMITED TO, A DIRECTOR NO LONGER POSSESSING A MANDATORY  
9 QUALIFICATION FOR BOARD MEMBERSHIP THAT THE DIRECTOR HELD AT  
10 THE TIME OF HIS OR HER APPOINTMENT TO THE BOARD, THE APPOINTING  
11 AUTHORITY THAT APPOINTED THE DIRECTOR SHALL FILL THE VACANCY BY  
12 APPOINTING A SUCCESSOR DIRECTOR TO SERVE FOR THE UNEXPIRED TERM.  
13 THE SUCCESSOR DIRECTOR SHALL POSSESS ANY MANDATORY  
14 QUALIFICATION SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

15 (3) (a) A DIRECTOR SHALL NOT RECEIVE A SALARY OR  
16 COMPENSATION OR REIMBURSEMENT FOR ANY EXPENSES INCURRED IN THE  
17 PERFORMANCE OF HIS OR HER DUTIES, OTHER THAN AS MAY BE PROVIDED  
18 BY THE REPRESENTED PUBLIC BODY OR OTHER ORGANIZATION THE  
19 DIRECTOR REPRESENTS AT THE SOLE DISCRETION OF THE REPRESENTED  
20 PUBLIC BODY OR ORGANIZATION OR UNLESS AUTHORIZED BY THE BOARD.

21 (b) A DIRECTOR SHALL NOT RECEIVE ANY COMPENSATION AS AN  
22 OFFICER, ENGINEER, ATTORNEY, EMPLOYEE, OR OTHER AGENT OF THE  
23 DISTRICT.

24 **32-11.5-204. Board - meetings - records.** (1) (a) EXCEPT FOR  
25 THE INITIAL BOARD, EACH BOARD SHALL MEET IN JANUARY OF EACH YEAR  
26 AT A REGULAR PLACE OF MEETING WITHIN THE DISTRICT FOR THE  
27 QUALIFICATION OF NEW DIRECTORS AND FOR THE SELECTION OF NEW

1 OFFICERS. THE INITIAL BOARD AT ITS FIRST MEETING, AND EACH  
2 SUCCESSOR BOARD AT THE ANNUAL MEETING HELD IN JANUARY OF EACH  
3 YEAR THEREAFTER, SHALL, BY A MAJORITY VOTE OF A QUORUM OF THE  
4 DIRECTORS, ELECT THE FOLLOWING OFFICERS:

5 (I) A CHAIRPERSON WHO SHALL PRESIDE OVER ALL MEETINGS OF  
6 THE BOARD AND SEE THAT THE MEETINGS AND DEBATE ARE CONDUCTED  
7 IN AN ORDERLY AND EXPEDITIOUS MANNER. EXCEPT AS OTHERWISE  
8 PERMITTED BY SECTION 32-11.5-203 (1) (b) (II), THE CHAIRPERSON SHALL  
9 SIGN ALL CONTRACTS, AGREEMENTS, AND LEGAL DOCUMENTS OF THE  
10 BOARD AND IN GENERAL SHALL PERFORM ALL DUTIES INCIDENT TO THE  
11 OFFICE OF CHAIRPERSON.

12 (II) A VICE-CHAIRPERSON WHO SHALL ASSUME THE DUTIES OF THE  
13 CHAIRPERSON IN THE CHAIRPERSON'S ABSENCE.

14 (b) (I) A MAJORITY OF THE DIRECTORS SHALL CONSTITUTE A  
15 QUORUM FOR THE TRANSACTION OF BUSINESS BY THE BOARD UNLESS A  
16 DIFFERENT NUMBER IS SET BY RESOLUTION OF THE BOARD AT THE ANNUAL  
17 MEETING. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE OR IN THE  
18 BYLAWS, THE AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM OF THE  
19 BOARD OF DIRECTORS SHALL BE SUFFICIENT TO CONDUCT THE BUSINESS OF  
20 THE BOARD. IF LESS THAN A QUORUM IS PRESENT AT A MEETING, THE  
21 CHAIRPERSON OR OTHER PRESIDING OFFICER MAY COMPEL THE  
22 ATTENDANCE OF ANY ABSENT MEMBER IN SUCH MANNER AND UNDER SUCH  
23 PENALTIES AS THE BOARD MAY PROVIDE OR MAY ADJOURN THE MEETING  
24 TO A DIFFERENT TIME AND PLACE. IF THE MEETING IS ADJOURNED, THE  
25 CHAIRPERSON SHALL NOTIFY ABSENT DIRECTORS OF THE TIME AND PLACE  
26 OF THE ADJOURNED MEETING.

27 (II) SUBJECT TO THE REQUIREMENT THAT A QUORUM OF THE



1 BOARD BE PRESENT TO VOTE, THE BOARD SHALL ADOPT SPENDING OR  
2 OTHER FISCAL POLICY RESOLUTIONS ONLY BY A SUPERMAJORITY VOTE AS  
3 FOLLOWS:

4	Board Members Appointed	Votes Required for Approval
5	2	2
6	3	2
7	4	3
8	5	4
9	6	4
10	7	5
11	8	6
12	9	7

13 (III) EACH DIRECTOR OR DIRECTOR'S ALTERNATE SHALL BE  
14 ENTITLED TO ONE VOTE, AND VOTING BY PROXY SHALL NOT BE PERMITTED.

15 (IV) ALL MEETINGS OF THE BOARD, THE TECHNICAL ADVISORY  
16 COMMITTEE, THE CITIZENS ADVISORY GROUP, OR ANY EXECUTIVE  
17 COMMITTEE OR OTHER COMMITTEE DESIGNATED BY THE BOARD SHALL BE  
18 HELD IN THE DISTRICT SUBJECT TO THE OPEN MEETINGS PROVISIONS OF THE  
19 "COLORADO SUNSHINE ACT OF 1972", PART 4 OF ARTICLE 6 OF TITLE 24,  
20 C.R.S.

21 (V) THE DIRECTORS, THE TECHNICAL ADVISORY COMMITTEE, THE  
22 CITIZENS ADVISORY GROUP, OR ANY EXECUTIVE COMMITTEE OR OTHER  
23 COMMITTEE DESIGNATED BY THE BOARD MAY PARTICIPATE IN ANY  
24 MEETING OF THE BOARD OR COMMITTEE BY MEANS OF A TELEPHONE  
25 CONVERSATION OR SIMILAR COMMUNICATION EQUIPMENT BY WHICH ALL  
26 PERSONS PARTICIPATING IN THE MEETING CAN HEAR EACH OTHER AT THE  
27 SAME TIME. SUCH REMOTE PARTICIPATION SHALL CONSTITUTE PRESENCE

1 IN PERSON AT THE MEETING.

2 (2) (a) THE BOARD SHALL PERFORM ALL LEGISLATIVE ACTS OF A  
3 GENERAL AND PERMANENT NATURE BY RESOLUTION. ON ALL  
4 RESOLUTIONS AND ORDERS, THE ROLL SHALL BE CALLED, AND THE AYES  
5 AND NOES SHALL BE RECORDED. AFTER PASSAGE, ALL RESOLUTIONS AND  
6 ORDERS SHALL BE RECORDED IN THE RECORDS OF THE OFFICES OF THE  
7 CLERK AND RECORDERS OF EL PASO AND PUEBLO COUNTIES, RECORDED  
8 IN A BOOK KEPT BY THE DISTRICT FOR THAT PURPOSE, AND  
9 AUTHENTICATED BY THE SIGNATURE OF THE PRESIDING OFFICER OF THE  
10 BOARD AND THE SECRETARY OF THE BOARD.

11 (b) THE DISTRICT AND THE BOARD SHALL BE SUBJECT TO THE  
12 "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF TITLE 24, C.R.S.

13 (c) ALL DISTRICT RECORDS ARE SUBJECT TO AUDIT AS PROVIDED  
14 BY LAW FOR POLITICAL SUBDIVISIONS OF THE STATE.

15 **32-11.5-205. Powers of the district.** (1) THE DISTRICT, ACTING  
16 THROUGH THE BOARD OR THROUGH OTHER PERSONS TO WHOM THE BOARD  
17 HAS DELEGATED ANY OF ITS POWERS AS AUTHORIZED BY THIS ARTICLE,  
18 HAS THE FOLLOWING GENERAL AND ADMINISTRATIVE POWERS:

19 (a) TO HAVE PERPETUAL EXISTENCE;

20 (b) TO SUE AND BE SUED;

21 (c) TO ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND  
22 THE CONDUCT OF ITS BUSINESS;

23 (d) TO FIX THE TIME AND PLACE AT WHICH ITS REGULAR MEETINGS  
24 SHALL BE HELD WITHIN THE DISTRICT AND TO PROVIDE FOR THE CALLING  
25 AND HOLDING OF SPECIAL MEETINGS;

26 (e) TO ADOPT AND USE A SEAL;

27 (f) TO MAINTAIN OFFICES AT ANY PLACE IT MAY DESIGNATE;

1 (g) (I) TO APPOINT A SECRETARY AND A TREASURER OF THE  
2 BOARD. EACH POSITION MAY BE FILLED BY A DIRECTOR OR BY ANOTHER  
3 PERSON, AND BOTH POSITIONS MAY BE FILLED BY THE SAME PERSON.

4 (II) THE SECRETARY OF THE BOARD SHALL KEEP A RECORD OF THE  
5 MINUTES OF ALL MEETINGS, ENSURE THAT ALL NOTICES REQUIRED BY LAW  
6 ARE DULY GIVEN AND POSTED, SERVE AS THE CUSTODIAN OF BOARD  
7 RECORDS, ATTEST TO DOCUMENTS AS THE NEED ARISES, AND PERFORM  
8 SUCH OTHER FUNCTIONS AS MAY BE PRESCRIBED BY THE BOARD.

9 (h) (I) SUBJECT TO THE PROVISIONS OF SECTION 32-11.5-203 (1) (b)  
10 AND SUBPARAGRAPH (II) OF THIS PARAGRAPH (h), TO HIRE AND FIX THE  
11 COMPENSATION OF OFFICERS AND EMPLOYEES AND HIRE OR RETAIN OTHER  
12 PERSONS, INCLUDING BUT NOT LIMITED TO PROFESSIONALS SUCH AS  
13 ENGINEERS, ATTORNEYS, ACCOUNTANTS, AND OTHER FINANCIAL  
14 PROFESSIONALS. THE DISTRICT SHALL HIRE OR RETAIN AN ENGINEER.

15 (II) (A) NO DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF THE  
16 DISTRICT SHALL BE INTERESTED IN ANY CONTRACT OR TRANSACTION WITH  
17 THE DISTRICT EXCEPT IN HIS OR HER OFFICIAL CAPACITY OR AS IS  
18 PROVIDED IN HIS OR HER CONTRACT OF EMPLOYMENT WITH THE DISTRICT.

19 (B) NEITHER THE HOLDING OF ANY OFFICE OR EMPLOYMENT OF A  
20 PUBLIC BODY OR OF THE FEDERAL GOVERNMENT NOR THE OWNING OF ANY  
21 PROPERTY WITHIN THE STATE, WITHIN OR OUTSIDE THE DISTRICT, SHALL  
22 BE DEEMED A DISQUALIFICATION FOR MEMBERSHIP ON THE BOARD OR  
23 EMPLOYMENT BY THE DISTRICT OR DEEMED A DISQUALIFICATION FOR  
24 COMPENSATION FOR SERVICES AS A DIRECTOR OR AS AN OFFICER,  
25 EMPLOYEE, OR AGENT OF THE DISTRICT.

26 (C) A DIRECTOR SHALL NOT VOTE ON ANY ISSUE WITH RESPECT TO  
27 WHICH THE DIRECTOR HAS A CONFLICT OF INTEREST AS REQUIRED BY

1 SECTIONS 18-8-308, 24-18-108.5, AND 24-18-110, C.R.S. AN APPOINTING  
2 BODY MAY NAME AN ALTERNATE DIRECTOR TO CURE THE TEMPORARY  
3 DISQUALIFICATION, AND THE ALTERNATE MAY VOTE IN PLACE OF THE  
4 DISQUALIFIED DIRECTOR.

5 (i) TO APPOINT A TECHNICAL ADVISORY COMMITTEE OF TECHNICAL  
6 EXPERTS TO PROVIDE RECOMMENDATIONS TO THE BOARD REGARDING  
7 PUBLIC POLICY OR EXPENDITURE OF FUNDS FOR THE BENEFIT OF THE  
8 WATERSHED AND TO CARRY ON TECHNICAL AND OTHER INVESTIGATIONS  
9 OF ALL KINDS, MAKE MEASUREMENTS, COLLECT DATA, AND MAKE  
10 ANALYSES, STUDIES, AND INSPECTIONS PERTAINING TO FACILITIES,  
11 PROJECTS, AND RELATED PROPERTY BOTH WITHIN AND OUTSIDE THE  
12 DISTRICT;

13 (j) TO APPOINT A CITIZENS ADVISORY GROUP REPRESENTING  
14 VARIOUS INTERESTS PERTAINING TO THE WATERSHED TO CONSULT WITH  
15 AND OFFER ADVICE TO THE BOARD REGARDING THE MANAGEMENT OF THE  
16 WATERSHED;

17 (k) TO APPOINT ONE OR MORE PERSONS TO ACT AS CUSTODIANS OF  
18 THE MONEYS OF THE DISTRICT FOR PURPOSES OF DEPOSITING THE MONEYS  
19 IN ANY DEPOSITORY AUTHORIZED IN SECTION 24-75-603, C.R.S.  
20 CUSTODIANS SHALL GIVE SURETY BONDS IN SUCH AMOUNTS AND FORM  
21 AND FOR SUCH PURPOSES AS THE BOARD REQUIRES.

22 (l) TO DESIGNATE AN OFFICIAL NEWSPAPER PUBLISHED IN THE  
23 DISTRICT AND TO PUBLISH ANY NOTICE OR OTHER INSTRUMENT IN ANY  
24 ADDITIONAL NEWSPAPER AS THE BOARD DEEMS NECESSARY;

25 (m) TO ENTER INTO CONTRACTS AND AGREEMENTS, INCLUDING,  
26 BUT NOT LIMITED TO, CONTRACTS AND AGREEMENTS WITH ANY PUBLIC  
27 BODY OR AGENCY THEREOF;

1           (n) (I) TO TRADE, EXCHANGE, PURCHASE, CONDEMN IN THE  
2 MANNER PROVIDED IN ARTICLES 1 TO 7 OF TITLE 38, C.R.S., AND  
3 OTHERWISE ACQUIRE, OPERATE, MAINTAIN, AND DISPOSE OF REAL AND  
4 PERSONAL PROPERTY, INCLUDING INTERESTS THEREIN, WITHIN OR OUTSIDE  
5 THE DISTRICT.

6           (II) IF THE CONSTRUCTION OF ANY PROJECT OR PART OF A PROJECT  
7 AUTHORIZED IN THIS ARTICLE REQUIRES THE REMOVAL AND RELOCATION  
8 OF ANY PUBLIC UTILITY FACILITY, WHETHER ON PRIVATE OR PUBLIC  
9 RIGHT-OF-WAY OR OTHERWISE, THE DISTRICT SHALL REIMBURSE THE  
10 OWNER OF THE PUBLIC UTILITY FACILITY FOR THE EXPENSE OF THE  
11 REMOVAL AND RELOCATION, INCLUDING THE COST OF ANY NECESSARY  
12 LAND OR RIGHTS IN LAND.

13           (o) TO INSTITUTE, MAINTAIN, AND ADMINISTER A SYSTEMATIC AND  
14 UNIFORM PROGRAM OF PREVENTIVE MAINTENANCE IN THE DISTRICT;

15           (p) TO PROMULGATE SUCH RESOLUTIONS AND ISSUE SUCH ORDERS  
16 AS THE DISTRICT DEEMS NECESSARY OR CONVENIENT FOR THE OPERATION,  
17 MAINTENANCE, MANAGEMENT, GOVERNMENT, AND USE OF FACILITIES AND  
18 ANY OTHER DRAINAGE AND FLOOD CONTROL FACILITIES UNDER ITS  
19 CONTROL, WHETHER SITUATED WITHIN OR OUTSIDE OR BOTH WITHIN AND  
20 OUTSIDE THE TERRITORIAL LIMITS OF THE DISTRICT;

21           (q) TO ADVOCATE FOR THE PROTECTION AND IMPROVEMENT OF  
22 THE WATERSHED TO MITIGATE FLOODING, EROSION, AND SEDIMENTATION,  
23 ADDRESS WATER QUALITY, AND PROVIDE A HEALTHY RIPARIAN HABITAT  
24 WITH RECREATIONAL AMENITIES;

25           (r) TO PREPARE AND SUBMIT BALLOT LANGUAGE AND POSITION  
26 STATEMENTS TO PLACE ONE OR MORE FUNDING MEASURES BEFORE THE  
27 AFFECTED ELECTORS IN PUEBLO AND EL PASO COUNTIES; AND

1 (s) TO PROVIDE INFORMATION TO EDUCATE THE PUBLIC  
2 CONCERNING THE PURPOSES AND BENEFITS OF THE DISTRICT.

3 (2) THE DISTRICT HAS THE FOLLOWING FINANCIAL POWERS:

4 (a) TO PROVIDE FUNDING DERIVED FROM BOTH EL PASO AND  
5 PUEBLO COUNTIES TO SUPPORT THE DISTRICT;

6 (b) TO PROVIDE COOPERATION AND FINANCIAL AND TECHNICAL  
7 ASSISTANCE THROUGHOUT THE FOUNTAIN CREEK WATERSHED;

8 (c) (I) SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF  
9 THIS PARAGRAPH (c), TO FINANCE THE ACQUISITION, CONSTRUCTION,  
10 OPERATION, OR MAINTENANCE OF PROJECTS AND ANY OTHER LAWFUL  
11 OPERATIONS OF THE DISTRICT THROUGH:

12 (A) THE ESTABLISHMENT OF SERVICE CHARGES PURSUANT TO PART  
13 3 OF THIS ARTICLE;

14 (B) THE IMPOSITION OF MILL LEVIES ON ALL TAXABLE PROPERTY  
15 WITHIN THE DISTRICT AND THE ISSUANCE OF BONDS PURSUANT TO PART 4  
16 OF THIS ARTICLE;

17 (C) THE CREATION OF IMPROVEMENT DISTRICTS AND IMPOSITION  
18 OF SPECIAL ASSESSMENTS ON ALL PROPERTY WITHIN AN IMPROVEMENT  
19 DISTRICT PURSUANT TO PART 5 OF THIS ARTICLE;

20 (D) THE ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS; AND

21 (E) ANY OTHER LAWFUL MEANS AUTHORIZED IN THIS ARTICLE.

22 (II) (A) NO ACTION BY THE DISTRICT TO ESTABLISH OR INCREASE  
23 ANY SPECIAL ASSESSMENT AUTHORIZED BY THIS ARTICLE AND, IN  
24 ACCORDANCE WITH SECTION 20 (4) (a) OF ARTICLE X OF THE STATE  
25 CONSTITUTION, NO ACTION BY THE DISTRICT TO ESTABLISH OR INCREASE  
26 ANY TAX OR MILL LEVY AUTHORIZED BY THIS ARTICLE SHALL TAKE EFFECT  
27 UNLESS FIRST SUBMITTED TO A VOTE OF THE ELIGIBLE ELECTORS OF THE

1 DISTRICT OR, IN THE CASE OF A SPECIAL ASSESSMENT, THE ELIGIBLE  
2 ELECTORS OF THE IMPROVEMENT DISTRICT IN WHICH THE SPECIAL  
3 ASSESSMENT IS PROPOSED TO BE COLLECTED.

4 (B) NO ACTION BY THE DISTRICT CREATING A MULTIPLE-FISCAL  
5 YEAR DEBT OR OTHER FINANCIAL OBLIGATION THAT IS SUBJECT TO  
6 SECTION 20 (4) (b) OF ARTICLE X OF THE STATE CONSTITUTION SHALL  
7 TAKE EFFECT UNLESS FIRST SUBMITTED TO A VOTE OF THE ELIGIBLE  
8 ELECTORS OF THE DISTRICT OR, IN THE CASE OF IMPROVEMENT DISTRICT  
9 BONDS TO BE PAID WITH REVENUES FROM A SPECIAL ASSESSMENT, THE  
10 ELIGIBLE ELECTORS OF THE IMPROVEMENT DISTRICT IN WHICH THE SPECIAL  
11 ASSESSMENT IS PROPOSED TO BE COLLECTED.

12 (C) THE QUESTIONS PROPOSED TO THE ELIGIBLE ELECTORS UNDER  
13 SUB-SUBPARAGRAPHS (A) AND (B) OF THIS SUBPARAGRAPH (II) SHALL BE  
14 SUBMITTED AT A BIENNIAL ELECTION OF THE DISTRICT, A GENERAL  
15 ELECTION, OR ANY ELECTION TO BE HELD ON THE FIRST TUESDAY IN  
16 NOVEMBER OF AN ODD-NUMBERED YEAR. THE ACTION SHALL NOT TAKE  
17 EFFECT UNLESS A MAJORITY OF THE ELIGIBLE ELECTORS VOTING ON THE  
18 QUESTION AT THE ELECTION VOTE IN FAVOR THEREOF. ELECTIONS SHALL  
19 BE HELD AND CONDUCTED, AND THE RESULTS DETERMINED, IN THE  
20 MANNER PROVIDED BY ARTICLES 1 TO 13 OF TITLE 1, C.R.S. NO DISTRICT  
21 MONEYS MAY BE USED TO URGE OR OPPOSE PASSAGE OF AN ELECTION  
22 REQUIRED UNDER THIS SECTION.

23 (d) (I) SUBJECT TO THE LIMITATION SPECIFIED IN SUBPARAGRAPH  
24 (II) OF THIS PARAGRAPH (d), TO IMPOSE SERVICE CHARGES FOR THE  
25 AVAILABILITY OR USE OF THE FACILITIES OF THE DISTRICT, PLEDGE  
26 SERVICE CHARGE REVENUES FOR THE PAYMENT OF BONDS, AND ENFORCE  
27 THE COLLECTION OF SERVICE CHARGE REVENUES BY CIVIL ACTION OR BY

1 ANY OTHER MEANS PROVIDED BY LAW.

2 (II) THE POWER OF THE DISTRICT TO ESTABLISH SERVICE CHARGES  
3 IS LIMITED TO THE AREAS WITHIN THE COUNTIES OF EL PASO AND PUEBLO  
4 THAT ARE WITHIN THE FOUNTAIN CREEK WATERSHED.

5 (e) TO OBTAIN FINANCIAL STATEMENTS, APPRAISALS, ECONOMIC  
6 FEASIBILITY REPORTS, AND VALUATIONS OF ANY TYPE PERTAINING TO THE  
7 FACILITIES OR ANY PROJECT OR ANY RELATED PROPERTY;

8 (f) TO DEPOSIT MONEYS OF THE DISTRICT IN ANY DEPOSITORY  
9 AUTHORIZED IN SECTION 24-75-603, C.R.S.;

10 (g) TO CREATE SPECIAL FUNDS AND ACCOUNTS AS A SOURCE OF  
11 REPAYMENT FOR BONDS, INCLUDING RESERVES REQUIRED OR DESIRED FOR  
12 THAT PURPOSE, OR FOR PAYMENT OF PROJECT ACQUISITION,  
13 CONSTRUCTION, OPERATION, MAINTENANCE, OR OTHER RELATED COSTS;

14 (h) TO INVEST OR DEPOSIT ANY DISTRICT MONEYS IN THE MANNER  
15 PROVIDED BY PART 6 OF ARTICLE 75 OF TITLE 24, C.R.S., AND TO DIRECT  
16 A CORPORATE TRUSTEE THAT HOLDS ANY DISTRICT MONEYS TO INVEST OR  
17 DEPOSIT THE MONEYS IN INVESTMENTS OR DEPOSITS OTHER THAN THOSE  
18 SPECIFIED BY SAID PART 6 IF THE BOARD DETERMINES, BY RESOLUTION,  
19 THAT THE INVESTMENT OR DEPOSIT MEETS THE STANDARD ESTABLISHED  
20 IN SECTION 15-1-304, C.R.S., THE INCOME IS AT LEAST COMPARABLE TO  
21 INCOME AVAILABLE ON INVESTMENTS OR DEPOSITS SPECIFIED BY SAID  
22 PART 6, AND THE INVESTMENT WILL ASSIST THE BOARD IN THE FINANCING,  
23 CONSTRUCTION, OPERATION, OR MAINTENANCE OF ITS PROJECTS OR  
24 FACILITIES;

25 (i) (I) SUBJECT TO THE LIMITATIONS SET FORTH IN SUBPARAGRAPH  
26 (II) OF THIS PARAGRAPH (i), UNTIL SUCH TIME AS THE DISTRICT HAS  
27 SUFFICIENT FUNDING TO OPERATE INDEPENDENT OF FUNDING FROM THE



1 REPRESENTED PUBLIC BODIES, TO DEMAND FROM THE REPRESENTED  
2 PUBLIC BODIES APPROPRIATE STAFF, RESOURCES, AND FUNDING SUPPORT.  
3 THE REPRESENTED PUBLIC BODIES SHALL FUND INDEPENDENT STAFF OR  
4 PLEDGE TO SUPPORT THE DISTRICT WITH THEIR OWN EMPLOYEES OR  
5 CONTRIBUTE FUNDING IN ANY MANNER DEEMED EQUITABLE AND  
6 APPROPRIATE BY THE REPRESENTED PUBLIC BODIES AND THE DISTRICT.

7 (II) IN ACCORD WITH THE STATE CONSTITUTION OR ANY CHARTER  
8 OF A REPRESENTED PUBLIC BODY, PERFORMANCE OF A REPRESENTED  
9 PUBLIC BODY'S OBLIGATIONS UNDER THIS ARTICLE IS EXPRESSLY SUBJECT  
10 TO APPROPRIATION OF FUNDS BY THE RESPECTIVE GOVERNING BODY OF  
11 THE PUBLIC BODY. IF SUFFICIENT MONEYS ARE NOT APPROPRIATED FOR  
12 PERFORMANCE OF A PUBLIC BODY'S OBLIGATIONS UNDER THIS ARTICLE OR  
13 APPROPRIATED FUNDS CANNOT BE EXPENDED DUE TO APPLICABLE  
14 SPENDING LIMITATIONS, PERFORMANCE OF THE PUBLIC BODY UNDER THIS  
15 ARTICLE SHALL BE NULL AND VOID BY OPERATION OF LAW, AND THE  
16 PUBLIC BODY SHALL THEREAFTER HAVE NO LIABILITY FOR COMPENSATION  
17 OR DAMAGES TO ANY PERSON IN EXCESS OF THE PUBLIC BODY'S  
18 AUTHORIZED APPROPRIATION FOR THE PURPOSES OF THIS ARTICLE OR THE  
19 APPLICABLE SPENDING LIMIT, WHICHEVER IS LESS. A REPRESENTED PUBLIC  
20 BODY SHALL NOTIFY ALL OTHER REPRESENTED PUBLIC BODIES AND THE  
21 DISTRICT AS SOON AS PRACTICABLE IN THE EVENT OF NONAPPROPRIATION  
22 OR IN THE EVENT A SPENDING LIMITATION BECOMES APPLICABLE.

23 (3) (a) THE DISTRICT HAS THE FOLLOWING JURISDICTIONAL AND  
24 LAND USE POWERS:

25 (I) WITHIN THE CORRIDOR, TO ACCEPT AND MANAGE FUNDING FOR  
26 AND MANAGE AND CONSTRUCT STREAM IMPROVEMENTS IN THE  
27 WATERSHED AND TO EXERCISE FULL LAND USE AUTHORITY; AND

1           (II) OUTSIDE OF THE CORRIDOR, TO EXERCISE ADVISORY LAND USE  
2 AUTHORITY ONLY; EXCEPT THAT THE DISTRICT SHALL BE ENTITLED TO  
3 RECEIVE NOTICE FROM ALL REPRESENTED PUBLIC BODIES AND TO PROVIDE  
4 COMMENTS TO SUCH REPRESENTED PUBLIC BODIES REGARDING LAND USE  
5 APPLICATIONS FOR PROJECTS LOCATED OUTSIDE THE CORRIDOR THAT, IN  
6 THE OPINION OF THE APPLICABLE REPRESENTED PUBLIC BODY'S PLANNING  
7 DIRECTOR OR PLANNING DIRECTOR'S DESIGNEE, WILL HAVE A DIRECT OR  
8 INDIRECT IMPACT ON THE FOUNTAIN CREEK WATERSHED. EACH  
9 REPRESENTED PUBLIC BODY SHALL SEND NOTICE TO THE DISTRICT  
10 IDENTIFYING THE PLANNING DIRECTOR OR DESIGNEE. THE DISTRICT MAY  
11 REQUEST TO REVIEW LAND USE APPLICATIONS OF ANY REPRESENTED  
12 PUBLIC BODY FOR PROJECTS LOCATED OUTSIDE THE CORRIDOR THAT MAY  
13 DIRECTLY OR INDIRECTLY IMPACT THE WATERSHED.

14           (b) (I) FOR PURPOSES OF THIS SUBSECTION (3), "CORRIDOR" MEANS  
15 A CORRIDOR ALONG FOUNTAIN CREEK THAT CONSISTS OF THE PORTION OF  
16 THE ONE-HUNDRED-YEAR FLOODPLAIN, AS DEFINED BY THE UNITED  
17 STATES FEDERAL EMERGENCY MANAGEMENT AGENCY, HEREINAFTER  
18 REFERRED TO AS THE "FEMA ONE-HUNDRED-YEAR FLOODPLAIN", AND  
19 FURTHER IDENTIFIED ON MAPS PROMULGATED BY THAT AGENCY,  
20 CONSISTING OF FLOODPLAINS IN EL PASO COUNTY THAT LIE SOUTH OF THE  
21 MUNICIPAL LIMITS OF THE CITY OF FOUNTAIN AND THE FLOODPLAIN IN  
22 PUEBLO COUNTY LYING NORTH OF THE MUNICIPAL LIMITS OF THE CITY OF  
23 PUEBLO.

24           (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH  
25 (b), PUBLIC BODIES NOT REPRESENTED ON THE BOARD, THROUGH THEIR  
26 GOVERNING BODIES, MAY CONSENT TO THE JURISDICTION OF THE DISTRICT  
27 AND ADD PROPERTY TO THE CORRIDOR. THE REPRESENTED PUBLIC BODIES

1 SHALL ALSO HAVE THE OPTION OF ADDING ADDITIONAL SECTIONS OF THE  
2 WATERSHED WITHIN THEIR RESPECTIVE JURISDICTIONAL BOUNDARIES TO  
3 THE CORRIDOR AND THE JURISDICTION OF THE DISTRICT.

4 (4) THE DISTRICT HAS THE FOLLOWING COOPERATIVE AND  
5 MISCELLANEOUS POWERS:

6 (a) TO PROVIDE FOR COMPREHENSIVE PLANNING AND, WHERE  
7 POSSIBLE, COORDINATE WITH ALL REGIONAL SPECIAL PURPOSE DISTRICTS,  
8 REGIONAL MULTIPURPOSE PLANNING AGENCIES, REGIONAL PLANNING  
9 COMMISSIONS, AND OTHER MULTIJURISDICTIONAL POLITICAL SUBDIVISIONS  
10 OPERATING WHOLLY OR PARTLY WITHIN THE DISTRICT;

11 (b) TO ADOPT A COMPREHENSIVE PROGRAM FOR THE ACQUISITION  
12 AND CONSTRUCTION OF FACILITIES;

13 (c) TO ESTABLISH, OPERATE, AND MAINTAIN FACILITIES WITHIN  
14 THE DISTRICT ACROSS OR ALONG ANY PUBLIC STREET, HIGHWAY, BRIDGE,  
15 VIADUCT, OR OTHER PUBLIC RIGHT-OF-WAY, OR IN, UPON, UNDER, OR OVER  
16 ANY VACANT PUBLIC LANDS THAT ARE OR MAY BECOME THE PROPERTY OF  
17 A PUBLIC BODY WITHOUT FIRST OBTAINING A FRANCHISE FROM THE PUBLIC  
18 BODY HAVING JURISDICTION OVER THE SAME. THE DISTRICT SHALL  
19 COOPERATE WITH ANY PUBLIC BODY HAVING SUCH JURISDICTION, SHALL  
20 PROMPTLY RESTORE ANY SUCH STREET, HIGHWAY, BRIDGE, VIADUCT, OR  
21 OTHER PUBLIC RIGHT-OF-WAY TO ITS FORMER STATE OF USEFULNESS AS  
22 NEARLY AS MAY BE, AND SHALL NOT PERMANENTLY IMPAIR COMPLETELY  
23 OR UNNECESSARILY THE USEFULNESS THEREOF.

24 (d) (I) TO THE EXTENT CONSISTENT WITH THE JURISDICTIONAL AND  
25 LAND USE AUTHORITY SET FORTH IN SUBSECTION (3) OF THIS SECTION, TO  
26 ADOPT FLOODPLAIN ZONING RESOLUTIONS AND ORDERS PERTAINING TO  
27 PROPERTIES WITHIN THE DISTRICT THAT AFFECT THE COLLECTION,

1 CHANNELING, IMPOUNDING, OR DISPOSITION OF RAINFALL, OTHER SURFACE  
2 AND SUBSURFACE DRAINAGE, OR STORM AND FLOOD WATERS AS IT DEEMS  
3 NECESSARY OR CONVENIENT. IF A DISTRICT FLOODPLAIN ZONING  
4 RESOLUTION OR ORDER CONFLICTS WITH A FLOODPLAIN ZONING  
5 RESOLUTION OR ORDER ADOPTED BY ANY OTHER PUBLIC BODY, THE MORE  
6 RESTRICTIVE RESOLUTION OR ORDER SHALL CONTROL.

7 (II) NO DISTRICT FLOODPLAIN RESOLUTION OR ORDER SHALL BE  
8 ADOPTED OR AMENDED EXCEPT BY ACTION OF THE BOARD AFTER A PUBLIC  
9 HEARING HELD BY THE BOARD AT WHICH ANY PUBLIC BODY OWNING  
10 DRAINAGE AND FLOOD CONTROL FACILITIES OR OTHERWISE EXERCISING  
11 POWERS AFFECTING DRAINAGE AND FLOOD CONTROL IN THE AFFECTED  
12 AREA AND OTHER INTERESTED PERSONS HAVE AN OPPORTUNITY TO BE  
13 HEARD. THE BOARD SHALL PROVIDE MAILED NOTICE OF THE HEARING TO  
14 EACH SUCH PUBLIC BODY AND SHALL ALSO PUBLISH NOTICE OF THE  
15 HEARING FOR THE BENEFIT OF OTHER INTERESTED PERSONS.

16 (e) TO ENTER INTO COOPERATIVE OR CONTRACTUAL AGREEMENTS  
17 WITH ANY GOVERNMENT, AS DEFINED IN SECTION 29-1-202 (1), C.R.S., AS  
18 AUTHORIZED IN SECTION 29-1-203, C.R.S., CONCERNING COMPREHENSIVE  
19 PLANNING REGARDING OR THE PROVISION OF ANY FUNCTION, SERVICE, OR  
20 FACILITY AUTHORIZED BY THIS ARTICLE, INCLUDING, BUT NOT LIMITED TO:

21 (I) JOINT OPERATING OR SERVICE CONTRACTS AND AGREEMENTS;  
22 ACQUISITION, IMPROVEMENT, EQUIPMENT, OR DISPOSAL CONTRACTS;  
23 PERSONNEL SHARING AGREEMENTS; OR OTHER ARRANGEMENTS  
24 CONCERNING PERSONNEL, ANY FACILITIES, PROJECT, OR RELATED  
25 PROPERTY OR ANY SIMILAR PROPERTY OR EQUIPMENT OWNED BY THE  
26 FEDERAL GOVERNMENT OR A PUBLIC BODY; AND

27 (II) CONTRACTS AND AGREEMENTS FOR THE PROVISION AND

1 OPERATION BY THE DISTRICT OF ANY DRAINAGE AND FLOOD CONTROL  
2 PROPERTY OR EQUIPMENT RELATED TO FACILITIES OR PROJECTS OF THE  
3 DISTRICT IN EXCHANGE FOR COMPENSATION SUFFICIENT TO DEFRAY THE  
4 COST TO THE DISTRICT OF PROVIDING, OPERATING, AND MAINTAINING THE  
5 PROPERTY OR EQUIPMENT;

6 (f) TO DO ALL THINGS NECESSARY TO BE QUALIFIED TO ACCEPT  
7 AND TO ACCEPT CONTRIBUTIONS OR LOANS FROM THE FEDERAL  
8 GOVERNMENT FOR THE PURPOSE OF FINANCING THE PLANNING,  
9 ACQUISITION, IMPROVEMENT, EQUIPMENT, MAINTENANCE, AND OPERATION  
10 OF ANY PROJECT OR AUTHORIZED ACTIVITY OF THE DISTRICT AND TO  
11 ENTER INTO CONTRACTS AND COOPERATE WITH THE FEDERAL  
12 GOVERNMENT IN THE FINANCING, PLANNING, ACQUISITION, IMPROVEMENT,  
13 EQUIPMENT, MAINTENANCE, AND OPERATION OF ANY SUCH PROJECT OR  
14 AUTHORIZED ACTIVITY IN ACCORDANCE WITH ANY APPLICABLE FEDERAL  
15 LEGISLATION UNDER WHICH AID, ASSISTANCE, AND COOPERATION MAY BE  
16 FURNISHED BY THE FEDERAL GOVERNMENT;

17 (g) SUBJECT TO ANY LIMITATIONS SPECIFIED IN THIS ARTICLE OR  
18 ARTICLES 1 TO 7 OF TITLE 38, C.R.S., TO ENTER UPON ANY LAND TO MAKE  
19 SURVEYS, BORINGS, SOUNDINGS, AND EXAMINATIONS AND TO LOCATE  
20 FACILITIES, PROJECTS, ROADWAYS, AND OTHER RIGHTS-OF-WAY  
21 PERTAINING TO FACILITIES AND PROJECTS AS NEEDED TO ACCOMPLISH THE  
22 PURPOSES OF THE DISTRICT;

23 (h) TO ARBITRATE ANY DIFFERENCES ARISING AMONG THE  
24 REPRESENTED PUBLIC BODIES IN CONNECTION WITH ANY FACILITIES,  
25 PROJECT, OR ACTIVITY OF THE DISTRICT; AND

26 (i) TO HAVE AND EXERCISE ALL RIGHTS AND POWERS NECESSARY  
27 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS GRANTED IN

1 THIS ARTICLE.

2           **32-11.5-206. Approval of other infrastructure.** (1) ON AND  
3 AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1), ONLY THE FEDERAL  
4 GOVERNMENT MAY ACQUIRE OR IMPROVE WITHIN THE TERRITORIAL LIMITS  
5 OF THE DISTRICT ANY DRAINAGE AND FLOOD CONTROL INFRASTRUCTURE,  
6 UNLESS A PROPOSAL FOR THE ACQUISITION OR IMPROVEMENT IS APPROVED  
7 BY THE BOARD; EXCEPT THAT A PUBLIC BODY OR OTHER PERSON MAY  
8 ACQUIRE OR IMPROVE GUTTERS AND RAINPOUTS ATTACHED TO BUILDINGS  
9 OR OTHER STRUCTURES; CURBS AND GUTTERS APPURTENANT TO STREETS,  
10 ALLEYS, HIGHWAYS, AND OTHER RIGHTS-OF-WAY; OR A COLLECTION OR  
11 SECONDARY STORM DRAINAGE SYSTEM, AS DEFINED IN THE EL PASO  
12 COUNTY DRAINAGE CRITERIA MANUAL OR THE PUEBLO COUNTY DRAINAGE  
13 CRITERIA MANUAL, AS APPLICABLE, OR IN ANY SUCCESSOR PUBLICATIONS  
14 TO EITHER MANUAL. IF A PUBLIC BODY OR OTHER PERSON OTHER THAN  
15 THE FEDERAL GOVERNMENT ACQUIRES OR IMPROVES SUCH  
16 INFRASTRUCTURE WITHOUT BOARD APPROVAL, THE BOARD MAY ORDER  
17 MODIFICATION OF THE INFRASTRUCTURE TO MEET THE REASONABLE  
18 SPECIFICATIONS AND OTHER REQUIREMENTS OF THE DISTRICT.

19           (2) (a) THE BOARD SHALL NOT APPROVE A PROPOSAL FOR  
20 DRAINAGE OR FLOOD CONTROL INFRASTRUCTURE ACQUISITION OR  
21 IMPROVEMENT UNLESS THE INFRASTRUCTURE TO BE ACQUIRED OR  
22 IMPROVED APPROPRIATELY COMPLEMENTS OR SUPPLEMENTS FACILITIES,  
23 BOTH PROPOSED AND ACQUIRED, AND IS CONSISTENT WITH ANY  
24 COMPREHENSIVE PROGRAM FOR THE ACQUISITION AND CONSTRUCTION OF  
25 FACILITIES ADOPTED BY THE DISTRICT PURSUANT TO SECTION 32-11.5-205  
26 (4) (b). THE BOARD MAY WITHHOLD ITS APPROVAL OR DISAPPROVE A  
27 PROPOSAL FOR DRAINAGE OR FLOOD CONTROL INFRASTRUCTURE

1 ACQUISITION OR IMPROVEMENT ONLY IF THE INFRASTRUCTURE TO BE  
2 ACQUIRED OR APPROVED DOES NOT COMPLEMENT OR SUPPLEMENT  
3 FACILITIES OR DOES NOT CONFORM TO ANY COMPREHENSIVE PROGRAM OF  
4 THE DISTRICT.

5 (b) IF A PROPOSAL FOR DRAINAGE OR FLOOD CONTROL  
6 INFRASTRUCTURE ACQUISITION OR IMPROVEMENT DOES NOT SUFFICIENTLY  
7 DELINEATE THE INFRASTRUCTURE TO BE ACQUIRED OR IMPROVED FOR THE  
8 BOARD TO DETERMINE WHETHER THE INFRASTRUCTURE COMPLEMENTS OR  
9 SUPPLEMENTS FACILITIES AND CONFORMS TO ANY COMPREHENSIVE  
10 PROGRAM OF THE DISTRICT, THE BOARD MAY DEMAND SUCH ADDITIONAL  
11 INFORMATION AS IT DEEMS NECESSARY OR DESIRABLE TO MAKE SUCH A  
12 DETERMINATION. THE BOARD MAY DELAY ITS CONSIDERATION OF THE  
13 PROPOSAL UNTIL IT RECEIVES ANY ADDITIONAL INFORMATION REQUESTED.

14 **32-11.5-207. Powers of public bodies.** (1) A PUBLIC BODY, FOR  
15 THE PURPOSE OF AIDING AND COOPERATING IN ANY PROJECT AUTHORIZED  
16 IN THIS ARTICLE, MAY:

17 (a) SELL, LEASE, LOAN, DONATE, GRANT, CONVEY, ASSIGN,  
18 TRANSFER, AND OTHERWISE DISPOSE TO THE DISTRICT ANY  
19 PROJECT-RELATED INFRASTRUCTURE, PROPERTY, OR INTEREST THEREIN;

20 (b) MAKE AVAILABLE TO THE DISTRICT FOR TEMPORARY USE, OR  
21 OTHERWISE DISPOSE OF, ANY MACHINERY, EQUIPMENT, INFRASTRUCTURE,  
22 OR OTHER PROPERTY AND ANY AGENTS, EMPLOYEES, PERSONS WITH  
23 PROFESSIONAL TRAINING, OR OTHER PERSONS TO EFFECT THE PURPOSES OF  
24 THIS ARTICLE. ANY PROPERTY OWNED BY AND PERSONS IN THE EMPLOY  
25 OR SERVICE OF A PUBLIC BODY SHALL, WHILE PERFORMING ANY  
26 AUTHORIZED SERVICE, ACTIVITY, OR UNDERTAKING FOR THE DISTRICT,  
27 HAVE AND RETAIN ALL OF THE POWERS, PRIVILEGES, IMMUNITIES, RIGHTS,

1 AND DUTIES, AND BE DEEMED TO BE ENGAGED IN THE SERVICE AND  
2 EMPLOYMENT, OF THE PUBLIC BODY, NOTWITHSTANDING THAT THE  
3 SERVICE, ACTIVITY, OR UNDERTAKING IS BEING PERFORMED FOR THE  
4 DISTRICT.

5 (c) ENTER INTO ANY AGREEMENT OR JOINT AGREEMENT BETWEEN  
6 OR AMONG THE FEDERAL GOVERNMENT, THE DISTRICT, A PUBLIC BODY, OR  
7 ANY COMBINATION THEREOF WITH RESPECT TO ACTION OR PROCEEDINGS  
8 PERTAINING TO ANY POWER GRANTED IN THIS ARTICLE AND THE USE OR  
9 JOINT USE OF ANY INFRASTRUCTURE, FACILITIES, PROJECT, OR OTHER  
10 PROPERTY;

11 (d) SELL, LEASE, LOAN, DONATE, GRANT, CONVEY, ASSIGN,  
12 TRANSFER, OR PAY OVER TO THE DISTRICT INFRASTRUCTURE, PROPERTY,  
13 OR MONEYS FOR THE PURPOSE OF ALLOWING THE DISTRICT TO FINANCE,  
14 ACQUIRE, IMPROVE, OR EQUIP FACILITIES OR PROJECTS;

15 (e) TRANSFER, GRANT, CONVEY, OR ASSIGN TO THE DISTRICT ANY  
16 CONTRACTS AWARDED BY THE PUBLIC BODY FOR THE ACQUISITION,  
17 IMPROVEMENT, OR EQUIPMENT OF ANY PROJECT NOT COMMENCED OR NOT  
18 COMPLETED; AND

19 (f) BUDGET AND APPROPRIATE, AS REQUIRED, THE PROCEEDS OF  
20 TAXES, SERVICE CHARGES, AND OTHER REVENUES LEGALLY AVAILABLE TO  
21 PAY ALL BONDS AND OTHER OBLIGATIONS ARISING FROM THE EXERCISE OF  
22 ANY POWERS GRANTED IN THIS ARTICLE AS PAYMENTS FOR THE BONDS OR  
23 OTHER OBLIGATIONS BECOME DUE.

24 PART 3

25 SERVICE CHARGES

26 **32-11.5-301. Service charges.** (1) (a) THE DISTRICT MAY IMPOSE  
27 AND COLLECT SERVICE CHARGES FOR DIRECT OR INDIRECT CONNECTION



1 WITH, OR THE USE OR SERVICES OF, FACILITIES, INCLUDING, BUT NOT  
2 LIMITED TO, MINIMUM CHARGES AND CHARGES FOR THE AVAILABILITY OF  
3 FACILITIES OR RELATED SERVICES.

4 (b) SERVICE CHARGES MAY BE CHARGED TO AND COLLECTED IN  
5 ADVANCE OR OTHERWISE BY THE DISTRICT AT ANY TIME FROM ANY OWNER  
6 OR OCCUPANT OF REAL PROPERTY WITHIN THE DISTRICT THAT DIRECTLY  
7 OR INDIRECTLY IS, HAS BEEN, OR WILL BE CONNECTED WITH FACILITIES OR  
8 FROM WHICH OR ON WHICH ORIGINATES OR HAS ORIGINATED RAINFALL,  
9 OTHER SURFACE AND SUBSURFACE DRAINAGE, OR STORM AND FLOOD  
10 WATERS THAT HAVE ENTERED OR WILL ENTER FACILITIES, AND THE OWNER  
11 OR OCCUPANT OF ANY SUCH REAL PROPERTY SHALL BE LIABLE FOR AND  
12 SHALL PAY THE SERVICE CHARGES TO THE DISTRICT WHEN DUE AND  
13 PAYABLE.

14 (c) SERVICE CHARGES OF THE DISTRICT SHALL ACCRUE FROM THE  
15 DATE ON WHICH THE BOARD ESTIMATES, IN ANY RESOLUTION  
16 AUTHORIZING THE ISSUANCE OF ANY BONDS TO BE PAID FROM SERVICE  
17 CHARGE REVENUES OR IN ANY CONTRACT WITH ANY PERSON, THAT THE  
18 FACILITIES FOR WHICH THE SERVICE CHARGE IS IMPOSED WILL BE  
19 AVAILABLE FOR SERVICE OR USE.

20 (2) (a) SERVICE CHARGES:

21 (I) SHALL BE IMPOSED AT RATES REASONABLY CALCULATED TO  
22 DEFRAID ONLY THE COSTS OF THE FACILITIES FOR WHICH THEY ARE  
23 IMPOSED THAT ARE NOT DEFRAIDED BY OTHER DISTRICT REVENUES;

24 (II) SHALL, AS NEARLY AS THE DISTRICT DEEMS PRACTICABLE AND  
25 EQUITABLE, BE UNIFORM THROUGHOUT THE DISTRICT FOR THE SAME TYPE,  
26 CLASS, AND AMOUNT OF USE OF FACILITIES OR RELATED SERVICES;

27 (III) MAY BE BASED OR COMPUTED:

1 (A) ON MEASUREMENTS OF DRAINAGE FLOW DEVICES DULY  
2 PROVIDED AND MAINTAINED BY THE DISTRICT OR BY ANY USER AS  
3 APPROVED BY THE DISTRICT;

4 (B) ON THE CONSUMPTION OF WATER IN, ON, OR IN CONNECTION  
5 WITH THE REAL PROPERTY ON WHICH THE SERVICE CHARGE IS IMPOSED,  
6 MAKING DUE ALLOWANCE FOR COMMERCIAL AND OTHER USE OF WATER  
7 DISCHARGED INTO ANY SANITARY SEWER SYSTEM AND FOR ANY  
8 INFILTRATION OF GROUND WATER AND DISCHARGE OF SURFACE RUNOFF  
9 INTO THE SEWER SYSTEM;

10 (C) ON THE CAPACITY OF THE CAPITAL IMPROVEMENTS IN, ON, OR  
11 CONNECTED WITH THE REAL PROPERTY ON WHICH THE SERVICE CHARGE IS  
12 IMPOSED;

13 (D) ON THE AVAILABILITY OF SERVICE OF FACILITIES;

14 (E) ON ANY OTHER FACTORS DETERMINING THE TYPE, CLASS, AND  
15 AMOUNT OF USE OR SERVICE OF FACILITIES; OR

16 (F) ON ANY COMBINATION OF THE FACTORS SPECIFIED IN  
17 SUB-SUBPARAGRAPHS (A) TO (E) OF THIS SUBPARAGRAPH (III).

18 (b) FOR PURPOSES OF DETERMINING SERVICE CHARGES, THE  
19 DISTRICT MAY GIVE WEIGHT TO THE SPECIFIC CHARACTERISTICS OF ANY  
20 REAL PROPERTY, INCLUDING, BUT NOT LIMITED TO, THE CHARACTERISTICS  
21 OF CAPITAL IMPROVEMENTS, BOTH PROPOSED AND EXISTING, IN ANY  
22 SUBDIVISION OR OTHER AREA IN THE DISTRICT OR ANY OTHER SPECIAL  
23 MATTER AFFECTING THE RUNOFF OF RAINFALL, OTHER SURFACE AND  
24 SUBSURFACE DRAINAGE, OR STORM AND FLOOD WATERS FROM THE REAL  
25 PROPERTY DIRECTLY OR INDIRECTLY INTO THE DISTRICT'S FACILITIES.

26 (c) THE DISTRICT MAY SET REASONABLE PENALTIES FOR ANY  
27 DELINQUENCIES IN THE PAYMENT OF SERVICE CHARGES, INCLUDING

1 WITHOUT LIMITATION INTEREST ON DELINQUENT SERVICE CHARGES FROM  
2 ANY DATE DUE AT A RATE NOT EXCEEDING ONE PERCENT PER MONTH, OR  
3 FRACTION OF A MONTH, REASONABLE ATTORNEY FEES, AND OTHER COSTS  
4 OF COLLECTION.

5 (3) THE DISTRICT MAY PRESCRIBE AND REVISE A SCHEDULE OF  
6 SERVICE CHARGES. THE SCHEDULE SHALL COMPLY WITH THE TERMS OF  
7 ANY CONTRACT OF THE DISTRICT AND SHALL ENSURE THAT THE SERVICE  
8 CHARGES OF THE DISTRICT ARE ADEQUATE, TAKING INTO ACCOUNT OTHER  
9 AVAILABLE DISTRICT REVENUES AND ANTICIPATED SERVICE CHARGE  
10 DELINQUENCIES, TO:

11 (a) PAY ALL FACILITIES OPERATION AND MAINTENANCE EXPENSES;

12 (b) PAY PUNCTUALLY THE PRINCIPAL OF AND INTEREST ON ANY  
13 BONDS PAYABLE FROM REVENUES OF FACILITIES;

14 (c) MAINTAIN REQUIRED RESERVES OR SINKING FUNDS; AND

15 (d) PAY ALL EXPENSES INCIDENTAL TO FACILITIES OR PROJECTS,  
16 INCLUDING, BUT NOT LIMITED TO, CONTINGENCIES AND ACQUISITION,  
17 IMPROVEMENT, AND EQUIPMENT COSTS, REQUIRED BY THE TERMS OF ANY  
18 CONTRACT OR OTHERWISE DEEMED NECESSARY OR DESIRABLE BY THE  
19 DISTRICT.

20 (4) THE DISTRICT SHALL KEEP A COPY OF ANY SCHEDULE OF  
21 SERVICE CHARGES IN EFFECT ON FILE AT ITS PRINCIPAL OFFICE AND SHALL  
22 ALLOW INSPECTION OF THE SCHEDULE WHENEVER THE OFFICE IS OPEN FOR  
23 BUSINESS.

24 (5) EXCEPT AS OTHERWISE PROVIDED IN A CONTRACT OR  
25 AGREEMENT ENTERED INTO BY THE DISTRICT AS AUTHORIZED BY SECTION  
26 32-11.5-205 (4) (e), ONLY THE BOARD MAY PRESCRIBE, SUPERVISE, OR  
27 REGULATE THE PERFORMANCE OF SERVICES PERTAINING TO FACILITIES OR

1 SET OR ALTER SERVICE CHARGES.

2

PART 4

3

TAXES AND BONDS

4 **32-11.5-401. Taxes.** SUBJECT TO THE ELECTION REQUIREMENTS  
5 SPECIFIED IN SECTION 32-11.5-205 (2) (c) (II) AND THE LIMITATIONS  
6 SPECIFIED IN PART 3 OF ARTICLE 1 OF TITLE 29 AND SECTION 39-10-111  
7 (11), C.R.S., THE DISTRICT MAY LEVY AND COLLECT AD VALOREM TAXES  
8 ON AND AGAINST ALL TAXABLE PROPERTY WITHIN THE DISTRICT. THE  
9 PROCEEDS OF AD VALOREM TAXES MAY BE USED FOR ANY AUTHORIZED  
10 PURPOSE OF THE DISTRICT INCLUDING, BUT NOT LIMITED TO, THE FUNDING  
11 OF RESERVE FUNDS TO BE USED TO REPAY BONDS ISSUED PURSUANT TO  
12 SECTION 32-11.5-402, DEFRAY MAINTENANCE, OPERATION, AND  
13 DEPRECIATION COSTS OF FACILITIES, AND IMPROVE FACILITIES.

14 **32-11.5-402. Bonds.** (1) SUBJECT TO THE ELECTION  
15 REQUIREMENTS SPECIFIED IN SECTION 32-11.5-205 (2) (c) (II), THE  
16 DISTRICT MAY, FROM TIME TO TIME, ISSUE BONDS FOR ANY OF ITS  
17 CORPORATE PURPOSES. THE BONDS SHALL BE ISSUED PURSUANT TO A  
18 RESOLUTION OF THE BOARD OR A TRUST INDENTURE, SHALL NOT BE  
19 SECURED BY AN ENCUMBRANCE, MORTGAGE, OR OTHER PLEDGE OF REAL  
20 OR PERSONAL PROPERTY OF THE DISTRICT, AND SHALL BE PAYABLE FROM  
21 ANY DISTRICT REVENUES UNLESS THE BOND RESOLUTION OR TRUST  
22 INDENTURE SPECIFICALLY LIMITS THE SOURCE OF DISTRICT REVENUES  
23 FROM WHICH THE BONDS ARE PAYABLE.

24 (2) BONDS MAY BE EXECUTED AND DELIVERED BY THE DISTRICT AT  
25 SUCH TIMES, MAY BE IN SUCH FORM AND DENOMINATIONS AND INCLUDE  
26 SUCH TERMS AND MATURITIES, MAY BE SUBJECT TO OPTIONAL OR  
27 MANDATORY REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT A

1 PREMIUM, MAY BE IN FULLY REGISTERED FORM OR BEARER FORM  
2 REGISTRABLE AS TO PRINCIPAL OR INTEREST OR BOTH, MAY BEAR SUCH  
3 CONVERSION PRIVILEGES, MAY BE PAYABLE IN SUCH INSTALLMENTS AND  
4 AT SUCH TIMES NOT EXCEEDING FORTY YEARS FROM THE DATE THEREOF,  
5 MAY BE PAYABLE AT SUCH PLACE OR PLACES WHETHER WITHIN OR  
6 WITHOUT THE STATE, MAY BEAR INTEREST AT SUCH RATE OR RATES PER  
7 ANNUM, WHICH MAY BE FIXED OR VARY ACCORDING TO INDEX,  
8 PROCEDURE, OR FORMULA OR AS DETERMINED BY THE DISTRICT OR ITS  
9 AGENTS, WITHOUT REGARD TO ANY INTEREST RATE LIMITATION  
10 APPEARING IN ANY OTHER LAW OF THE STATE, MAY BE SUBJECT TO  
11 PURCHASE AT THE OPTION OF THE HOLDER OR THE DISTRICT, MAY BE  
12 EVIDENCED IN SUCH MANNER, MAY BE EXECUTED BY SUCH OFFICERS OF  
13 THE DISTRICT, INCLUDING THE USE OF ONE OR MORE FACSIMILE  
14 SIGNATURES SO LONG AS AT LEAST ONE MANUAL SIGNATURE APPEARS ON  
15 THE BONDS, WHICH MAY BE EITHER OF AN OFFICER OF THE DISTRICT OR OF  
16 AN AGENT AUTHENTICATING THE SAME, MAY BE IN THE FORM OF COUPON  
17 BONDS THAT HAVE ATTACHED INTEREST COUPONS BEARING A MANUAL OR  
18 FACSIMILE SIGNATURE OF AN OFFICER OF THE DISTRICT, AND MAY CONTAIN  
19 SUCH PROVISIONS NOT INCONSISTENT WITH THIS ARTICLE, ALL AS  
20 PROVIDED IN THE RESOLUTION OF THE DISTRICT UNDER WHICH THE BONDS  
21 ARE AUTHORIZED TO BE ISSUED OR AS PROVIDED IN A TRUST INDENTURE  
22 BETWEEN THE DISTRICT AND ANY BANK OR TRUST COMPANY HAVING FULL  
23 TRUST POWERS.

24 (3) BONDS MAY BE SOLD AT PUBLIC OR PRIVATE SALE AT SUCH  
25 PRICE OR PRICES, IN SUCH MANNER, AND AT SUCH TIMES AS DETERMINED  
26 BY THE BOARD, AND THE BOARD MAY PAY ALL FEES, EXPENSES, AND  
27 COMMISSIONS THAT IT DEEMS NECESSARY OR ADVANTAGEOUS IN

1 CONNECTION WITH THE SALE OF THE BONDS. THE POWER TO FIX THE DATE  
2 OF SALE OF THE BONDS, TO RECEIVE BIDS OR PROPOSALS, TO AWARD AND  
3 SELL BONDS, TO FIX INTEREST RATES, AND TO TAKE ALL OTHER ACTION  
4 NECESSARY TO SELL AND DELIVER THE BONDS MAY BE DELEGATED TO AN  
5 OFFICER OR AGENT OF THE DISTRICT. ANY OUTSTANDING BONDS MAY BE  
6 REFUNDED BY THE DISTRICT PURSUANT TO ARTICLE 56 OF TITLE 11, C.R.S.  
7 ALL BONDS AND ANY INTEREST COUPONS APPLICABLE THERETO ARE  
8 DECLARED TO BE NEGOTIABLE INSTRUMENTS.

9 (4) THE RESOLUTION OR A TRUST INDENTURE AUTHORIZING THE  
10 ISSUANCE OF THE BONDS MAY PLEDGE ALL OR A PORTION OF THE SPECIAL  
11 FUND, MAY CONTAIN SUCH PROVISIONS FOR PROTECTING AND ENFORCING  
12 THE RIGHTS AND REMEDIES OF HOLDERS OF ANY OF THE BONDS AS THE  
13 DISTRICT DEEMS APPROPRIATE, MAY SET FORTH THE RIGHTS AND REMEDIES  
14 OF THE HOLDERS OF ANY OF THE BONDS, AND MAY CONTAIN PROVISIONS  
15 THAT THE DISTRICT DEEMS APPROPRIATE FOR THE SECURITY OF THE  
16 HOLDERS OF THE BONDS, INCLUDING, BUT NOT LIMITED TO, PROVISIONS  
17 FOR LETTERS OF CREDIT, INSURANCE, STANDBY CREDIT AGREEMENTS, OR  
18 OTHER FORMS OF CREDIT ENSURING TIMELY PAYMENT OF THE BONDS,  
19 INCLUDING THE REDEMPTION PRICE OR THE PURCHASE PRICE.

20 (5) ANY PLEDGE OF MONEYS OR OTHER PROPERTY MADE BY THE  
21 DISTRICT OR BY ANY PERSON OR GOVERNMENTAL UNIT WITH WHICH THE  
22 DISTRICT CONTRACTS SHALL BE VALID AND BINDING FROM THE TIME THE  
23 PLEDGE IS MADE. THE SPECIAL FUND OR OTHER PROPERTY SO PLEDGED  
24 SHALL IMMEDIATELY BE SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT  
25 ANY PHYSICAL DELIVERY OR FURTHER ACT, AND THE LIEN OF THE PLEDGE  
26 SHALL BE VALID AND BINDING AGAINST ALL PARTIES HAVING CLAIMS OF  
27 ANY KIND IN TORT, CONTRACT, OR OTHERWISE AGAINST THE PLEDGING

1 PARTY REGARDLESS OF WHETHER THE CLAIMING PARTY HAS NOTICE OF  
2 THE LIEN. THE INSTRUMENT BY WHICH THE PLEDGE IS CREATED NEED NOT  
3 BE RECORDED OR FILED.

4 (6) NEITHER THE MEMBERS OF THE BOARD, EMPLOYEES OF THE  
5 DISTRICT, NOR ANY PERSON EXECUTING THE BONDS SHALL BE LIABLE  
6 PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL LIABILITY OR  
7 ACCOUNTABILITY BY REASON OF THE ISSUANCE THEREOF.

8 (7) THE DISTRICT MAY PURCHASE ITS BONDS OUT OF ANY  
9 AVAILABLE MONEYS AND MAY HOLD, PLEDGE, CANCEL, OR RESELL SUCH  
10 BONDS SUBJECT TO AND IN ACCORDANCE WITH AGREEMENTS WITH THE  
11 HOLDERS THEREOF.

12 (8) THE STATE HEREBY PLEDGES AND AGREES WITH THE HOLDERS  
13 OF ANY BONDS AND WITH THOSE PARTIES WHO ENTER INTO CONTRACTS  
14 WITH THE DISTRICT PURSUANT TO THIS ARTICLE THAT THE STATE WILL NOT  
15 LIMIT, ALTER, RESTRICT, OR IMPAIR THE RIGHTS VESTED IN THE DISTRICT  
16 OR THE RIGHTS OR OBLIGATIONS OF ANY PERSON WITH WHICH IT  
17 CONTRACTS TO FULFILL THE TERMS OF ANY AGREEMENTS MADE PURSUANT  
18 TO THIS ARTICLE. THE STATE FURTHER AGREES THAT IT WILL NOT IN ANY  
19 WAY IMPAIR THE RIGHTS OR REMEDIES OF THE HOLDERS OF BONDS UNTIL  
20 THE BONDS HAVE BEEN PAID OR UNTIL ADEQUATE PROVISION FOR  
21 PAYMENT HAS BEEN MADE. THE DISTRICT MAY INCLUDE THIS PROVISION  
22 AND UNDERTAKING FOR THE STATE IN ITS BONDS.

23 (9) ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN  
24 ASSOCIATIONS, INSURANCE COMPANIES, EXECUTORS, ADMINISTRATORS,  
25 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES MAY LEGALLY INVEST  
26 ANY MONEYS WITHIN THEIR CONTROL IN ANY BONDS ISSUED UNDER THIS  
27 ARTICLE. PUBLIC ENTITIES, AS DEFINED IN SECTION 24-75-601 (1), C.R.S.,

1 MAY INVEST PUBLIC FUNDS IN BONDS ONLY IF THE BONDS SATISFY THE  
2 INVESTMENT REQUIREMENTS ESTABLISHED IN PART 6 OF ARTICLE 75 OF  
3 TITLE 24, C.R.S.

4 (10) THE INCOME OR OTHER REVENUES OF THE DISTRICT, ALL  
5 PROPERTIES AT ANY TIME OWNED BY THE DISTRICT, BONDS, AND THE  
6 TRANSFER OF AND THE INCOME FROM BONDS SHALL BE EXEMPT FROM ALL  
7 TAXATION AND ASSESSMENTS IN THE STATE. IN THE RESOLUTION OR  
8 INDENTURE AUTHORIZING BONDS, THE DISTRICT MAY WAIVE THE  
9 EXEMPTION FROM FEDERAL INCOME TAXATION FOR INTEREST ON THE  
10 BONDS. BONDS SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 51  
11 OF TITLE 11, C.R.S.

## 12 PART 5

### 13 IMPROVEMENT DISTRICTS AND SPECIAL ASSESSMENTS

14 **32-11.5-501. Improvement districts, special assessments, and**  
15 **bonds - general authority of district.** SUBJECT TO THE PROCEDURAL,  
16 ELECTION, AND OTHER REQUIREMENTS OF THIS PART 5, THE DISTRICT MAY  
17 CREATE ONE OR MORE IMPROVEMENT DISTRICTS, LEVY SPECIAL  
18 ASSESSMENTS AGAINST ALL OF THE ASSESSABLE PROPERTY IN AN  
19 IMPROVEMENT DISTRICT, AND CAUSE THE ASSESSMENTS TO BE COLLECTED  
20 TO DEFRAY WHOLLY OR IN PART THE COST OF ACQUIRING, CONSTRUCTING,  
21 OR IMPROVING ONE OR MORE PROJECTS. SUBJECT TO THE ELECTION  
22 REQUIREMENTS SPECIFIED IN SECTION 32-11.5-205 (2) (c) (II), THE  
23 DISTRICT MAY ALSO ISSUE BONDS TO BE REPAID FROM THE REVENUES  
24 GENERATED BY SPECIAL ASSESSMENTS AND, IF APPLICABLE, ANY OTHER  
25 MONEYS PLEDGED TO SECURE THE PAYMENT OF THE BONDS.

26 **32-11.5-502. Initiating procedure.** (1) THE PROCEDURE FOR  
27 ACQUIRING, CONSTRUCTING, OR IMPROVING ANY PROJECT TO BE FUNDED



1 IN WHOLE OR IN PART WITH REVENUES GENERATED BY SPECIAL  
2 ASSESSMENTS CAN BE INITIATED BY THE PROVISIONAL ORDER METHOD  
3 DESCRIBED IN SUBSECTION (2) OF THIS SECTION OR THE PETITION METHOD  
4 DESCRIBED IN SUBSECTION (3) OF THIS SECTION.

5 (2) (a) WHENEVER THE BOARD DETERMINES THAT THE INTEREST  
6 OF THE DISTRICT REQUIRES ANY PROJECT TO BE FUNDED IN WHOLE OR IN  
7 PART WITH REVENUES GENERATED BY SPECIAL ASSESSMENTS, THE BOARD,  
8 BY RESOLUTION, SHALL DIRECT THE ENGINEER TO PREPARE:

9 (I) PRELIMINARY PLANS SHOWING:

10 (A) A TYPICAL SECTION OF THE CONTEMPLATED PROJECT; AND

11 (B) THE TYPES OF MATERIAL, APPROXIMATE THICKNESS, AND  
12 WIDTH;

13 (II) A PRELIMINARY ESTIMATE OF THE TOTAL COST OF THE  
14 PROJECT; AND

15 (III) AN ASSESSMENT PLAT SHOWING:

16 (A) THE AREA TO BE ASSESSED; AND

17 (B) THE AMOUNT OF MAXIMUM BENEFITS ESTIMATED TO BE  
18 ASSESSED AGAINST EACH TRACT.

19 (b) THE RESOLUTION OF THE BOARD SHALL DESCRIBE THE PROJECT  
20 IN GENERAL TERMS BUT MAY PROVIDE FOR ONE OR MORE TYPES OF  
21 CONSTRUCTION, AND THE ENGINEER SHALL SEPARATELY ESTIMATE THE  
22 COST OF EACH TYPE OF CONSTRUCTION. THE ESTIMATE MAY BE MADE IN  
23 A LUMP SUM OR BY UNIT PROCESS, AS DEEMED MOST APPROPRIATE BY THE  
24 ENGINEER FOR THE COMPLETED FACILITIES.

25 (c) THE RESOLUTION OF THE BOARD SHALL STATE:

26 (I) WHAT PART OR PORTION OF THE EXPENSE OF THE DESCRIBED  
27 PROJECT IS OF SPECIAL BENEFIT AND IS TO BE PAID FOR WITH REVENUES

1 GENERATED BY SPECIAL ASSESSMENTS;

2 (II) WHAT PART OF THE PROJECT, IF ANY, HAS BEEN OR IS  
3 PROPOSED TO BE FUNDED WITH REVENUES GENERATED FROM SOURCES  
4 OTHER THAN SPECIAL ASSESSMENTS; AND

5 (III) THE BASIS BY WHICH THE COST OF THE PROJECT WILL BE  
6 APPORTIONED AND SPECIAL ASSESSMENTS WILL BE LEVIED.

7 (d) IN CASE A SPECIAL ASSESSMENT IS NOT TO BE MADE  
8 ACCORDING TO FRONT FEET, THE RESOLUTION OF THE BOARD SHALL:

9 (I) BY APT DESCRIPTION DESIGNATE THE IMPROVEMENT DISTRICT,  
10 INCLUDING THE TRACTS TO BE ASSESSED;

11 (II) DESCRIBE DEFINITELY THE LOCATION OF THE PROJECT; AND

12 (III) STATE THAT THE SPECIAL ASSESSMENT IS TO BE MADE UPON  
13 ALL THE TRACTS BENEFITED BY THE PROJECT PROPORTIONATELY TO THE  
14 BENEFITS RECEIVED.

15 (e) IN CASE A SPECIAL ASSESSMENT IS TO BE UPON THE ABUTTING  
16 PROPERTY ON A FRONTAGE BASIS, IT SHALL BE SUFFICIENT FOR THE  
17 RESOLUTION SO TO STATE AND TO DEFINE THE LOCATION OF THE PROJECT  
18 TO BE MADE.

19 (f) THE RESOLUTION OF THE BOARD NEED NOT DESCRIBE IN DETAIL  
20 EACH PARTICULAR TRACT TO BE ASSESSED BUT MAY SIMPLY DESIGNATE  
21 THE PROPERTY, IMPROVEMENT DISTRICT, OR LOCATION SO THAT THE  
22 VARIOUS TRACTS TO BE ASSESSED CAN BE DETERMINED TO BE WITHIN THE  
23 PROPOSED IMPROVEMENT DISTRICT.

24 (g) THE ENGINEER SHALL FORTHWITH PREPARE AND FILE WITH THE  
25 DISTRICT:

26 (I) THE PRELIMINARY PLANS;

27 (II) THE PRELIMINARY ESTIMATE OF COST; AND

1           (III) THE ASSESSMENT PLAT.

2           (h) UPON THE FILING OF THE PLANS, PRELIMINARY ESTIMATE OF  
3 COST, AND PLAT, THE BOARD SHALL EXAMINE THE SAME. IF THE BOARD  
4 FINDS THE PLANS, ESTIMATE, AND PLAT TO BE SATISFACTORY, IT SHALL  
5 MAKE A PROVISIONAL ORDER BY RESOLUTION TO THE EFFECT THAT THE  
6 PROJECT SHALL BE ACQUIRED, CONSTRUCTED, OR IMPROVED.

7           (3) (a) THE OWNER OR OWNERS OF TRACTS TO BE ASSESSED IN A  
8 PROPOSED IMPROVEMENT DISTRICT FOR NOT LESS THAN NINETY-FIVE  
9 PERCENT OF THE ENTIRE COST OF A PROJECT, COMPRISING MORE THAN  
10 FIFTY PERCENT OF THE AREA OF THE PROPOSED IMPROVEMENT DISTRICT  
11 AND ALSO COMPRISING A MAJORITY OF THE LANDOWNERS RESIDING IN THE  
12 PROPOSED IMPROVEMENT DISTRICT, MAY, BY WRITTEN PETITION, INITIATE  
13 THE ACQUISITION, CONSTRUCTION, OR IMPROVEMENT OF ANY ASSESSMENT  
14 PROJECT THAT THE BOARD IS AUTHORIZED TO INITIATE SUBJECT TO THE  
15 FOLLOWING LIMITATIONS:

16           (I) THE BOARD MAY INCORPORATE THE PROJECT IN ONE OR MORE  
17 EXISTING OR ALTERNATIVE PROPOSED IMPROVEMENT DISTRICTS;

18           (II) THE BOARD IS NOT REQUIRED TO PROCEED WITH THE  
19 CONSTRUCTION, ACQUISITION, OR IMPROVEMENT OF THE PROJECT OR ANY  
20 PART THEREOF IF, AFTER HOLDING A PROVISIONAL ORDER HEARING  
21 PURSUANT TO SECTION 32-11.5-507, THE BOARD DETERMINES THAT IT IS  
22 NOT IN THE PUBLIC INTEREST FOR THE PROPOSED PROJECT OR PART  
23 THEREOF TO GO FORWARD; AND

24           (III) A PARTICULAR KIND OF PROJECT, MATERIAL THEREFOR, OR A  
25 PART THEREOF NEED NOT BE CONSTRUCTED, ACQUIRED, IMPROVED, OR  
26 LOCATED AS PROVIDED IN THE PETITION IF THE BOARD DETERMINES THAT  
27 IT IS NOT IN THE PUBLIC INTEREST.

1           (b) THE BOARD IS NOT REQUIRED TO TAKE ANY FURTHER ACTION  
2 REGARDING A PETITION IF THE BOARD DETERMINES BY RESOLUTION THAT  
3 THE CONSTRUCTION, ACQUISITION, OR IMPROVEMENT OF THE PROPOSED  
4 PROJECT IS PROBABLY NOT FEASIBLE, THE RESOLUTION REQUIRES A CASH  
5 DEPOSIT OR A PLEDGE OF PROPERTY IN AT LEAST AN AMOUNT DESIGNATED  
6 BY THE BOARD PROBABLY TO BE SUFFICIENT TO DEFRAID THE COSTS LIKELY  
7 TO BE INCURRED BY THE BOARD BEFORE AND DURING THE ATTEMPTED  
8 ACQUISITION, CONSTRUCTION, OR IMPROVEMENT OF THE PROJECT  
9 DESIGNATED IN THE PETITION, AND THE DEPOSIT OR PLEDGE IS NOT  
10 PROVIDED TO THE BOARD WITHIN TWENTY DAYS AFTER MAILED NOTICE IS  
11 GIVEN TO THE PERSON PRESENTING THE PETITION OR AFTER ONE  
12 PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT  
13 OF A NOTICE OF THE RESOLUTION'S ADOPTION AND OF ITS CONTENT IN  
14 SUMMARY FORM. THE BOARD MAY SUBSEQUENTLY, AS IT DEEMS  
15 NECESSARY, REQUIRE ONE OR MORE ADDITIONAL DEPOSITS OR PLEDGES AS  
16 A CONDITION PRECEDENT TO THE CONTINUATION OF ACTION BY THE  
17 DISTRICT.

18           (c) WHENEVER A DEPOSIT OR PLEDGE IS MADE AND THEREAFTER  
19 THE BOARD DETERMINES THAT ACQUISITION, CONSTRUCTION, OR  
20 IMPROVEMENT OF A PROJECT PROPOSED BY PETITION IS NOT FEASIBLE  
21 WITHIN A REASONABLE PERIOD, THE BOARD MAY REQUIRE THAT ALL OR  
22 ANY PORTION OF THE COSTS INCURRED BY THE DISTRICT IN CONNECTION  
23 WITH THE PETITION OR PROJECT BE DEFRAIDED FROM THE DEPOSIT OR  
24 PROCEEDS OF THE PLEDGED PROPERTY UNLESS THE PETITIONERS OR OTHER  
25 INTERESTED PERSONS DEFRAID THE COSTS WITHIN TWENTY DAYS AFTER  
26 THE BOARD DETERMINES THE AMOUNT TO BE DEFRAIDED BY RESOLUTION  
27 AND PUBLISHES NOTICE OF THE RESOLUTION.

1 (d) ANY SURPLUS MONEYS REMAINING FROM A DEPOSIT OR PLEDGE  
2 SHALL BE RETURNED BY THE DISTRICT TO THE PERSON MAKING THE SAME.

3 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS  
4 SECTION, UPON THE FILING OF A PETITION PURSUANT TO SAID SUBSECTION  
5 (3), THE BOARD SHALL PROCEED IN THE SAME MANNER AS PROVIDED IN  
6 SUBSECTION (2) OF THIS SECTION FOR PROCEEDINGS INITIATED BY THE  
7 BOARD.

8 **32-11.5-503. Combination of projects.** (1) MORE THAN ONE  
9 PROJECT MAY BE COMBINED IN AN IMPROVEMENT DISTRICT IF THE BOARD  
10 DETERMINES THAT THE COMBINATION WILL BE EFFICIENT AND  
11 ECONOMICAL.

12 (2) IF PROJECTS COMBINED IN ONE IMPROVEMENT DISTRICT ARE  
13 SEPARATE AND DISTINCT DUE TO SUBSTANTIAL DIFFERENCES IN THEIR  
14 CHARACTER OR LOCATION OR OTHER SUBSTANTIAL DIFFERENCES, EACH  
15 PROJECT SHALL BE CONSIDERED AS A SEPARATE ASSESSMENT UNIT OR  
16 QUASI-IMPROVEMENT DISTRICT FOR THE PURPOSE OF PETITION,  
17 REMONSTRANCE, AND ASSESSMENT.

18 (3) IF PROJECTS ARE COMBINED, THE BOARD SHALL DESIGNATE THE  
19 PROJECT AND THE AREA CONSTITUTING EACH ASSESSMENT UNIT, AND, IN  
20 THE ABSENCE OF AN ARBITRARY AND AN UNREASONABLE ABUSE OF  
21 DISCRETION, ITS DETERMINATION THAT THERE IS OR IS NOT SUCH A  
22 COMBINATION AND ITS DETERMINATION OF THE PROJECT AND THE AREA  
23 CONSTITUTING THE ASSESSMENT UNIT SHALL BE FINAL AND CONCLUSIVE.

24 (4) THE COSTS OF ACQUIRING, CONSTRUCTING, OR IMPROVING  
25 EACH PROJECT SHALL BE SEGREGATED FOR THE LEVY OF ASSESSMENTS,  
26 AND AN EQUITABLE SHARE OF THE INCIDENTAL COSTS SHALL BE  
27 ALLOCATED TO EACH ASSESSMENT UNIT.

1           **32-11.5-504. Effect of estimates.** (1) UNLESS OTHERWISE  
2 SPECIFICALLY PROVIDED IN THIS ARTICLE, NO ESTIMATE OF THE COST OF  
3 A PROJECT REQUIRED OR AUTHORIZED IN THIS PART 5 SHALL CONSTITUTE  
4 A LIMIT ON THE COST OR A LIMIT ON THE POWERS OF THE BOARD OR OF ANY  
5 OFFICERS, AGENTS, OR EMPLOYEES OF THE DISTRICT.

6           (2) NO ASSESSMENT SHALL EXCEED THE AMOUNT OF THE ESTIMATE  
7 OF MAXIMUM SPECIAL BENEFITS FROM THE PROJECT TO ANY TRACT  
8 ASSESSED.

9           **32-11.5-505. Fixing hearing and notice.** (1) IN A RESOLUTION  
10 CONSTITUTING A PROVISIONAL ORDER PURSUANT TO SECTION 32-11.5-502  
11 (2), THE BOARD SHALL SET A TIME AT LEAST TWENTY DAYS AFTER THE  
12 DATE OF THE RESOLUTION AND A PLACE AT WHICH THE OWNERS OF THE  
13 TRACTS TO BE ASSESSED OR ANY OTHER INTERESTED PERSONS MAY  
14 APPEAR BEFORE THE BOARD AND BE HEARD AS TO THE PROPRIETY AND  
15 ADVISABILITY OF ACQUIRING, CONSTRUCTING, OR IMPROVING THE  
16 PROVISIONALLY ORDERED PROJECT.

17           (2) NOTICE OF THE MEETING REQUIRED BY SUBSECTION (1) OF THIS  
18 SECTION SHALL BE GIVEN BY PUBLICATION AND BY MAIL.

19           (3) THE NOTICE REQUIRED BY SUBSECTION (2) OF THIS SECTION  
20 SHALL INCLUDE THE FOLLOWING INFORMATION:

21           (a) THE KIND OF PROJECT PROPOSED;

22           (b) THE ESTIMATED COST OF THE PROJECT AND THE PORTION, IF  
23 ANY, TO BE PAID FROM SOURCES OTHER THAN SPECIAL ASSESSMENTS;

24           (c) THE BASIS FOR APPORTIONING THE SPECIAL ASSESSMENTS,  
25 WHICH SHALL BE IN PROPORTION TO THE SPECIAL BENEFITS DERIVED TO  
26 EACH OF THE SEVERAL TRACTS COMPRISING THE ASSESSABLE PROPERTY  
27 AND ON A FRONT-FOOT, AREA, ZONE, OR OTHER EQUITABLE BASIS;

1 (d) THE NUMBER OF INSTALLMENTS AND THE TIME IN WHICH THE  
2 SPECIAL ASSESSMENTS ARE PAYABLE;

3 (e) THE MAXIMUM RATE OF INTEREST ON UNPAID INSTALLMENTS  
4 OF SPECIAL ASSESSMENTS;

5 (f) THE AREA OF THE IMPROVEMENT DISTRICT TO BE ASSESSED;

6 (g) THE TIME AND PLACE AT WHICH THE BOARD WILL CONSIDER  
7 THE ORDERING OF THE PROPOSED PROJECT, HEAR ALL COMPLAINTS,  
8 PROTESTS, AND OBJECTIONS THAT MAY BE MADE IN WRITING AND FILED  
9 WITH THE DISTRICT AT LEAST THREE DAYS IN ADVANCE OR MAY BE MADE  
10 VERBALLY AT THE HEARING BY THE OWNER OF ANY TRACT TO BE  
11 ASSESSED OR BY ANY OTHER INTERESTED PERSON;

12 (h) THE FACT THAT THE DESCRIPTION OF THE TRACTS TO BE  
13 ASSESSED, THE MAXIMUM AMOUNT OF BENEFITS ESTIMATED TO BE  
14 CONFERRED ON EACH TRACT, AND ALL RELATED PROCEEDINGS ARE ON FILE  
15 AND MAY BE EXAMINED AT MAIN OFFICES OF THE DISTRICT DURING  
16 BUSINESS HOURS BY ANY INTERESTED PERSON; AND

17 (i) A STATEMENT THAT REGARDLESS OF THE BASIS USED FOR  
18 APPORTIONING ASSESSMENTS, IN CASES OF WEDGE-SHAPED, V-SHAPED, OR  
19 ANY OTHER IRREGULAR-SHAPED TRACTS, AN AMOUNT APPORTIONED  
20 THERETO SHALL BE IN PROPORTION TO THE SPECIAL BENEFITS THEREBY  
21 DERIVED.

22 (4) THE DISTRICT SHALL MAINTAIN PROOF OF PUBLICATION AND  
23 PROOF OF MAILING OF THE NOTICE REQUIRED BY SUBSECTIONS (1) AND (2)  
24 OF THIS SECTION AND DESCRIBED IN SUBSECTION (3) OF THIS SECTION IN  
25 THE RECORDS OF THE DISTRICT UNTIL ANY SPECIAL ASSESSMENTS IMPOSED  
26 TO FUND THE PROJECT THAT IS THE SUBJECT OF THE PROVISIONAL ORDER  
27 HAVE BEEN PAID IN FULL.

1           **32-11.5-506. Subsequent modifications.** (1) EXCEPT AS  
2 OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE BOARD  
3 MAY MODIFY OR RESCIND BY RESOLUTION ANY BOARD ACTION RELATING  
4 TO THE CREATION OF AN IMPROVEMENT DISTRICT OR THE IMPOSITION OF  
5 SPECIAL ASSESSMENTS AT ANY TIME BEFORE ADOPTING A RESOLUTION  
6 CREATING THE IMPROVEMENT DISTRICT PURSUANT TO SECTION  
7 32-11.5-509 AND AUTHORIZING A PROJECT TO BE FUNDED IN WHOLE OR IN  
8 PART WITH REVENUES GENERATED BY SPECIAL ASSESSMENTS.

9           (2) NO SUBSTANTIAL CHANGE IN A PROPOSED IMPROVEMENT  
10 DISTRICT, DETAILS, PRELIMINARY PLANS, SPECIFICATIONS, OR ESTIMATES  
11 SHALL BE MADE AFTER THE FIRST PUBLICATION OR MAILING OF NOTICE TO  
12 PROPERTY OWNERS, WHICHEVER OCCURS FIRST; EXCEPT THAT THE BOARD  
13 MAY DELETE A PORTION OF A PROJECT OR ANY TRACT FROM THE PROPOSED  
14 IMPROVEMENT DISTRICT OR FROM ANY ASSESSMENT UNIT, AND THE  
15 ENGINEER MAY MAKE MINOR CHANGES IN TIME, PLANS, AND MATERIALS  
16 FOR A PROJECT AT ANY TIME BEFORE ITS COMPLETION.

17           **32-11.5-507. Provisional order hearing.** (1) AT THE  
18 PROVISIONAL ORDER HEARING, ANY PROPERTY OWNERS INTERESTED IN A  
19 PROPOSED PROJECT TO BE FUNDED IN WHOLE OR IN PART WITH REVENUES  
20 GENERATED BY SPECIAL ASSESSMENTS MAY PRESENT THEIR VIEWS TO THE  
21 BOARD. THE BOARD MAY ADJOURN THE HEARING FROM TIME TO TIME.

22           (2) IF THE BOARD DETERMINES, AFTER CONSIDERING ALL VIEWS  
23 PRESENTED AT THE PROVISIONAL ORDER HEARING, THAT IT IS NOT IN THE  
24 PUBLIC INTEREST THAT THE PROPOSED PROJECT OR A PORTION OF THE  
25 PROPOSED PROJECT GO FORWARD, THE BOARD SHALL ORDER BY  
26 RESOLUTION THAT THE PROCEEDING FOR THE REJECTED PROJECT OR  
27 PORTION SHALL STOP. THE REJECTED PROJECT OR PORTION MAY ONLY



1 RESUME IF THE BOARD ADOPTS A NEW RESOLUTION.

2 **32-11.5-508. Post-hearing procedure.** (1) AFTER THE  
3 PROVISIONAL ORDER HEARING, THE BOARD SHALL DETERMINE WHETHER  
4 TO FORM THE PROPOSED IMPROVEMENT DISTRICT AND ANY ASSESSMENT  
5 UNIT WITHIN THE PROPOSED IMPROVEMENT DISTRICT.

6 (2) IF THE BOARD DESIRES TO FORM THE PROPOSED IMPROVEMENT  
7 DISTRICT BUT ALSO DESIRES TO MODIFY THE DISTRICT, THE BOARD SHALL  
8 DIRECT THE ENGINEER TO PREPARE AND PRESENT TO THE BOARD:

9 (a) A REVISED AND DETAILED ESTIMATE OF THE TOTAL COST,  
10 INCLUDING WITHOUT LIMITATION THE COST OF ACQUIRING,  
11 CONSTRUCTING, OR IMPROVING EACH PROPOSED PROJECT. UNLESS  
12 OTHERWISE SPECIFICALLY PROVIDED IN THIS ARTICLE, THE REVISED  
13 ESTIMATE SHALL NOT CONSTITUTE A LIMITATION FOR ANY PURPOSE.

14 (b) FULL AND DETAILED PLANS AND SPECIFICATIONS FOR EACH  
15 PROPOSED PROJECT DESIGNED TO PERMIT AND TO ENCOURAGE  
16 COMPETITION AMONG THE BIDDERS IF ANY PROJECTS ARE TO BE ACQUIRED,  
17 CONSTRUCTED, OR IMPROVED BY CONSTRUCTION CONTRACT; AND

18 (c) A REVISED MAP AND ASSESSMENT PLAT SHOWING THE  
19 LOCATION OF EACH PROPOSED PROJECT AND THE TRACTS TO BE ASSESSED  
20 THEREFOR.

21 (3) THE BOARD, IN THE RESOLUTION CREATING THE IMPROVEMENT  
22 DISTRICT OR A SEPARATE RESOLUTION, MAY COMBINE OR DIVIDE THE  
23 PROPOSED PROJECTS INTO SUITABLE CONSTRUCTION UNITS FOR THE  
24 PURPOSE OF LETTING SEPARATE AND INDEPENDENT CONTRACTS,  
25 REGARDLESS OF THE EXTENT OF ANY PROJECT CONSTITUTING AN  
26 ASSESSMENT UNIT AND REGARDLESS OF WHETHER OR NOT A PORTION OF  
27 THE COST OF ANY PROJECT IS TO BE DEFRAIDED WITH REVENUES OTHER

1 THAN REVENUES GENERATED BY SPECIAL ASSESSMENTS.

2 (4) NOTHING IN THIS PART 5 SHALL BE CONSTRUED AS NOT  
3 REQUIRING THE SEGREGATION OF COSTS OF UNRELATED IMPROVEMENT  
4 PROGRAMS FOR ASSESSMENT PURPOSES.

5 **32-11.5-509. Creation of district.** (1) WHEN AN ACCURATE  
6 ESTIMATE OF COST, FULL AND DETAILED PLANS AND SPECIFICATIONS, AND  
7 THE MAP AND ASSESSMENT PLAT ARE PREPARED, PRESENTED, AND  
8 SATISFACTORY TO THE BOARD, REGARDLESS OF WHETHER THE  
9 PRELIMINARY ESTIMATE OF COST, PLANS AND SPECIFICATIONS, AND MAP  
10 AND ASSESSMENT PLAT ARE MODIFIED PURSUANT TO SECTION 32-11.5-508,  
11 THE BOARD SHALL BY RESOLUTION CREATE THE IMPROVEMENT DISTRICT  
12 AND ORDER THE PROPOSED PROJECT TO BE ACQUIRED, CONSTRUCTED, OR  
13 IMPROVED.

14 (2) THE RESOLUTION SHALL PRESCRIBE:

15 (a) THE EXTENT OF THE IMPROVEMENT DISTRICT AND OF ANY  
16 ASSESSMENT WITHIN THE IMPROVEMENT DISTRICT BY BOUNDARIES OR BY  
17 OTHER BRIEF DESCRIPTION;

18 (b) THE KIND AND LOCATION OF EACH PROPOSED PROJECT;

19 (c) THE AMOUNT OR THE PROPORTION OF THE TOTAL COST TO BE  
20 DEFRAID BY SPECIAL ASSESSMENTS, THE METHOD OF LEVYING SPECIAL  
21 ASSESSMENTS, THE NUMBER OF INSTALLMENTS, AND THE TIMES AT WHICH  
22 SPECIAL ASSESSMENTS WILL BE PAYABLE; AND

23 (d) THE CHARACTER AND THE EXTENT OF ANY CONSTRUCTION  
24 UNITS PURSUANT TO SECTION 32-11.5-508 (3).

25 (3) THE ENGINEER MAY FURTHER REVISE THE COST, PLANS AND  
26 SPECIFICATIONS, AND THE MAP AND ASSESSMENT PLAT FOR ALL OR ANY  
27 PART OF A PROJECT, AND THE BOARD MAY AMEND THE RESOLUTION

1 CREATING THE DISTRICT ACCORDINGLY PRIOR TO LETTING ANY  
2 CONSTRUCTION CONTRACT AND PRIOR TO ANY PROPERTY BEING ACQUIRED  
3 OR ANY WORK BEING DONE OTHER THAN BY INDEPENDENT CONTRACT LET  
4 BY THE DISTRICT.

5 **32-11.5-510. Construction contracts.** NO CONTRACT FOR  
6 CONSTRUCTION WORK TO ACQUIRE OR IMPROVE THE PROJECT  
7 CONTEMPLATED SHALL BE MADE OR AWARDED NOR SHALL THE BOARD  
8 INCUR ANY EXPENSE OR ANY LIABILITY IN RELATION THERETO, EXCEPT FOR  
9 MAPS, PLATS, DIAGRAMS, ESTIMATES, PLANS, SPECIFICATIONS, AND  
10 NOTICES, UNTIL AFTER THE PROVISIONAL ORDER HEARING AND NOTICE  
11 PROVIDED FOR IN THIS PART 5 HAVE BEEN HAD AND GIVEN.

12 **32-11.5-511. Division of tract.** IF A TRACT IS DIVIDED AFTER A  
13 SPECIAL ASSESSMENT HAS BEEN LEVIED AND DIVIDED INTO INSTALLMENTS  
14 AND BEFORE THE COLLECTION OF ALL THE INSTALLMENTS, THE BOARD  
15 MAY REQUIRE THE COUNTY ASSESSOR TO APPORTION THE UNCOLLECTED  
16 AMOUNTS UPON THE SEVERAL PARTS OF THE TRACT SO DIVIDED  
17 PROPORTIONALLY BASED UPON THEIR VALUATION FOR ASSESSMENT FOR  
18 TAXES. THE APPORTIONMENT SHALL BE CONCLUSIVE ON ALL PARTIES, AND  
19 ALL SUBSEQUENT ASSESSMENTS SHALL BE ACCORDING TO THE  
20 APPORTIONMENT.

21 PART 6

22 ANNEXATION

23 **32-11.5-601. Annexation of lands to district.** (1) THE  
24 TERRITORIAL LIMITS OF THE DISTRICT MAY BE ENLARGED BY THE  
25 ANNEXATION OF ADDITIONAL REAL PROPERTY THERETO:

26 (a) BY PETITION AND CONSENT OF THE FEE OWNER PURSUANT TO  
27 SECTIONS 32-11.5-602 AND 32-11.5-606;

1 (b) BY PETITION OF THE ELIGIBLE ELECTORS PURSUANT TO  
2 SECTIONS 32-11.5-603, 32-11.5-604, AND 32-11.5-606;

3 (c) BY ACTION INITIATED BY THE DISTRICT PURSUANT TO SECTIONS  
4 32-11.5-605 AND 32-11.5-606 WITH THE CONSENT OF THE GOVERNING  
5 BODY OF EACH COUNTY OR MUNICIPALITY THAT INCLUDES ANY OF THE  
6 REAL PROPERTY TO BE ANNEXED; OR

7 (d) BY PETITION BY THE GOVERNING BODY OF EACH COUNTY OR  
8 MUNICIPALITY THAT INCLUDES ANY OF THE REAL PROPERTY TO BE  
9 ANNEXED.

10 **32-11.5-602. Petition of fee owners.** (1) THE FEE OWNER OF ANY  
11 REAL PROPERTY CONTIGUOUS TO THE TERRITORIAL LIMITS OF THE DISTRICT  
12 AND CAPABLE OF BEING SERVED WITH FACILITIES OF THE DISTRICT MAY  
13 FILE WITH THE BOARD A PETITION IN WRITING SEEKING THE INCLUSION OF  
14 THE PROPERTY IN THE DISTRICT.

15 (2) THE PETITION AUTHORIZED IN SUBSECTION (1) OF THIS SECTION  
16 SHALL:

17 (a) SET FORTH AN ACCURATE LEGAL DESCRIPTION OF THE  
18 PROPERTY OWNED BY THE PETITIONERS;

19 (b) STATE THAT ASSENT TO THE ANNEXATION OF THE PROPERTY IS  
20 GIVEN BY THE SIGNERS THERETO, CONSTITUTING ALL THE FEE OWNERS OF  
21 THE PROPERTY; AND

22 (c) BE ACKNOWLEDGED IN THE SAME MANNER REQUIRED FOR  
23 CONVEYANCE OF LAND.

24 (3) A FEE OWNER MAY NOT WITHDRAW A PETITION AFTER  
25 CONSIDERATION BY THE BOARD OR FILE FURTHER OBJECTIONS EXCEPT IN  
26 THE CASE OF FRAUD OR MISREPRESENTATION.

27 (4) THE BOARD SHALL HEAR A PETITION FILED PURSUANT TO

1 SUBSECTION (1) OF THIS SECTION AT AN OPEN MEETING AFTER PUBLISHING  
2 NOTICE OF THE FILING OF THE PETITION, THE PLACE, TIME, AND DATE OF  
3 THE MEETING, AND THE NAMES AND ADDRESSES OF THE PETITIONERS IN A  
4 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY OR COUNTIES IN  
5 WHICH THE REAL PROPERTY PROPOSED TO BE ANNEXED IS LOCATED.

6 (5) THE BOARD SHALL GRANT A PETITION BY RESOLUTION IF IT  
7 DETERMINES THAT THE PROPOSED ANNEXATION IS FEASIBLE AND IN THE  
8 BEST INTERESTS OF THE DISTRICT. THE BOARD MAY DETERMINE THAT  
9 ANNEXATION OF ONLY A PORTION OF THE PROPERTY PROPOSED TO BE  
10 ANNEXED IS APPROPRIATE.

11 **32-11.5-603. Petition of eligible electors.** (1) NOT LESS THAN  
12 TEN PERCENT OR ONE HUNDRED, WHICHEVER NUMBER IS SMALLER, OF THE  
13 ELIGIBLE ELECTORS OF ANY REAL PROPERTY THAT IS CONTIGUOUS TO THE  
14 DISTRICT AND CONTAINS TWENTY-FIVE THOUSAND OR MORE SQUARE FEET  
15 OF LAND MAY FILE A PETITION WITH THE BOARD IN WRITING SEEKING THE  
16 ANNEXATION OF THE PROPERTY TO THE DISTRICT; EXCEPT THAT NO SINGLE  
17 TRACT OR PARCEL OR PROPERTY CONTAINING TEN ACRES OR MORE MAY BE  
18 INCLUDED IN THE DISTRICT WITHOUT THE CONSENT OF THE OWNER.

19 (2) A PETITION SHALL DESCRIBE THE AREA TO BE ANNEXED AND  
20 SHALL BE ACKNOWLEDGED IN THE SAME MANNER REQUIRED FOR  
21 CONVEYANCES OF LAND.

22 (3) THE BOARD SHALL CAUSE NOTICE OF THE FILING OF A PETITION  
23 TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
24 COUNTY OR COUNTIES IN WHICH THE PROPERTY PROPOSED TO BE ANNEXED  
25 IS LOCATED, AND THE NOTICE SHALL STATE:

- 26 (a) THAT A PETITION HAS BEEN FILED;
- 27 (b) THE NAMES OF THE PETITIONERS;

1 (c) A DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED;

2 (d) THE PLACE, TIME, AND DATE OF A BOARD HEARING ON THE  
3 PROPOSED ANNEXATION AT WHICH THE BOARD WILL CONSIDER THE  
4 PETITION AND ALL WRITTEN OBJECTIONS TO THE PETITION; AND

5 (e) A STATEMENT THAT ALL INTERESTED PERSONS MAY APPEAR AT  
6 THE BOARD HEARING AND SHOW CAUSE IN WRITING WHY THE PETITION  
7 SHOULD NOT BE GRANTED.

8 (4) THE ELIGIBLE ELECTORS MAY NOT WITHDRAW A PETITION  
9 AFTER CONSIDERATION BY THE BOARD OR FILE FURTHER OBJECTIONS  
10 EXCEPT IN THE CASE OF FRAUD OR MISREPRESENTATION.

11 (5) THE BOARD SHALL GRANT A PETITION BY RESOLUTION IF IT  
12 DETERMINES THAT THE PROPOSED ANNEXATION IS FEASIBLE AND IN THE  
13 BEST INTERESTS OF THE DISTRICT.

14 **32-11.5-604. Annexation election.** (1) IF A PETITION IS  
15 PROVISIONALLY GRANTED PURSUANT TO SECTION 32-11.5-602 OR  
16 32-11.5-603, THE BOARD BY RESOLUTION SHALL:

17 (a) MAKE AN ORDER TO THAT EFFECT;

18 (b) DIRECT THAT THE QUESTION OF INCLUSION OF THE REAL  
19 PROPERTY PROPOSED TO BE ANNEXED WITHIN THE DISTRICT BE SUBMITTED  
20 TO THE ELIGIBLE ELECTORS OF THE AREA THAT INCLUDES THE REAL  
21 PROPERTY ONLY; AND

22 (c) DESIGNATE THE SECRETARY OF THE BOARD AS THE  
23 DESIGNATED ELECTION OFFICIAL TO GIVE NOTICE AND CONDUCT THE  
24 ELECTION ACCORDING TO THE PROVISIONS OF ARTICLES 1 TO 13 OF TITLE  
25 1, C.R.S.

26 (2) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION AT THE  
27 ELECTION FAVOR INCLUSION, THE BOARD SHALL BY RESOLUTION ENTER AN

1 ORDER MAKING THE REAL PROPERTY A PART OF THE DISTRICT.

2 **32-11.5-605. Annexation initiated by the board.** (1) (a) AT  
3 ANY TIME AND AS A CONDITION TO AN ANNEXATION INITIATED BY THE  
4 BOARD, THE BOARD MAY ADOPT A RESOLUTION DETERMINING THAT REAL  
5 PROPERTY PROPOSED FOR ANNEXATION:

6 (I) IS CONTIGUOUS TO THE TERRITORIAL LIMITS OF THE DISTRICT;

7 (II) CONTAINS SIX HUNDRED FORTY OR MORE ACRES OF LAND;

8 (III) HAS BECOME URBANIZED BY HAVING A POPULATION OF AT  
9 LEAST ONE THOUSAND PERSONS PER SQUARE MILE AND HAVING AT LEAST  
10 FIVE HUNDRED DWELLING UNITS PER SQUARE MILE; AND

11 (IV) IS CAPABLE OF BEING SERVED BY THE FACILITIES OF THE  
12 DISTRICT.

13 (b) A RESOLUTION ADOPTED PURSUANT TO PARAGRAPH (a) OF THIS  
14 SUBSECTION (1) SHALL PROVISIONALLY ORDER THE ANNEXATION OF THE  
15 REAL PROPERTY PROPOSED TO BE ANNEXED.

16 (2) THE BOARD SHALL CAUSE NOTICE OF THE ADOPTION OF A  
17 RESOLUTION PURSUANT TO SUBSECTION (1) OF THIS SECTION TO BE GIVEN  
18 BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
19 COUNTY OR COUNTIES IN WHICH THE PROPERTY PROPOSED TO BE ANNEXED  
20 IS LOCATED, AND THE NOTICE SHALL STATE:

21 (a) THAT THE RESOLUTION HAS BEEN ADOPTED;

22 (b) THE DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED;

23 (c) THE PLACE, TIME, AND DATE OF A BOARD HEARING ON THE  
24 PROPOSED ANNEXATION AT WHICH THE BOARD WILL CONSIDER ALL  
25 WRITTEN OBJECTIONS TO THE FINALIZATION OF THE ANNEXATION; AND

26 (d) THAT ALL INTERESTED PERSONS MAY APPEAR AT THE BOARD  
27 HEARING AND SHOW CAUSE IN WRITING WHY THE ANNEXATION SHOULD

1 NOT BE MADE FINAL.

2 (3) PRIOR TO THE BOARD HEARING, THE BOARD SHALL OBTAIN  
3 WRITTEN CONSENT TO ANNEX THE PROPERTY FROM THE GOVERNING BODY  
4 OF EACH COUNTY OR MUNICIPALITY THAT INCLUDES ANY OF THE REAL  
5 PROPERTY PROPOSED TO BE ANNEXED.

6 (4) IF, AFTER THE BOARD HEARING, THE BOARD DETERMINES BY  
7 RESOLUTION THAT THE PROPOSED ANNEXATION IS FEASIBLE AND IN THE  
8 BEST INTEREST OF THE DISTRICT, THE BOARD SHALL FURNISH BY MAIL TO  
9 THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT WITHIN THE  
10 DEPARTMENT OF LOCAL AFFAIRS COPIES OF BOTH THE RESOLUTION  
11 ADOPTED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND THE  
12 POST-HEARING RESOLUTION AND SHALL REQUEST THAT THE DIRECTOR  
13 APPROVE THE ANNEXATION.

14 (5) IF THE DIRECTOR APPROVES THE ANNEXATION IN WRITING, THE  
15 BOARD, UPON THE RECEIPT OF SUCH APPROVAL, SHALL BY RESOLUTION  
16 ENTER A FINAL ORDER ANNEXING THE REAL PROPERTY TO THE DISTRICT.

17 **32-11.5-606. General annexation provisions.** (1) THE FAILURE  
18 OF ANY PERSON IN THE DISTRICT OR IN AN AREA PROPOSED TO BE ANNEXED  
19 TO THE DISTRICT TO FILE A WRITTEN OBJECTION TO A PROPOSED  
20 ANNEXATION IN A PROPERLY NOTICED HEARING OF THE BOARD THEREON  
21 CONSTITUTES THE ASSENT OF THE PERSON TO THE INCLUSION IN THE  
22 DISTRICT OF THE AREA DESCRIBED IN THE NOTICE OF THE HEARING FOR  
23 ANNEXATION.

24 (2) A DETERMINATION BY THE BOARD THAT A PROPOSED  
25 ANNEXATION IS FEASIBLE AND IN THE BEST INTERESTS OF THE DISTRICT  
26 SHALL BE FINAL, CONCLUSIVE, AND NOT SUBJECT TO REVIEW.

27 (3) WHENEVER THE BOARD BY RESOLUTION ENTERS AN ORDER



1 ANNEXING REAL PROPERTY TO THE DISTRICT, THE BOARD SHALL FILE THE  
2 RESOLUTION WITH:

- 3 (a) THE SECRETARY OF STATE;
- 4 (b) THE STATE ATTORNEY GENERAL;
- 5 (c) THE DIVISION OF LOCAL GOVERNMENT; AND
- 6 (d) THE COUNTY CLERK AND RECORDER, COUNTY ASSESSOR, AND  
7 COUNTY TREASURER OF EACH COUNTY IN WHICH THE ANNEXED REAL  
8 PROPERTY IS LOCATED.

9 (4) A BOARD RESOLUTION ANNEXING REAL PROPERTY TO THE  
10 DISTRICT IS A FINAL ORDER AND SHALL FINALLY AND CONCLUSIVELY  
11 ESTABLISH THE ANNEXATION OF THE REAL PROPERTY TO THE DISTRICT  
12 AGAINST ALL PERSONS; EXCEPT THAT THE ATTORNEY GENERAL, ON  
13 BEHALF OF THE STATE, WITHIN THIRTY DAYS OF THE FILING OF THE  
14 RESOLUTION WITH THE ATTORNEY GENERAL AS REQUIRED BY PARAGRAPH  
15 (b) OF SUBSECTION (3) OF THIS SECTION, MAY FILE A PROCEEDING IN THE  
16 NATURE OF QUO WARRANTO AGAINST THE ANNEXATION. AN ANNEXATION  
17 SHALL NOT BE DIRECTLY OR COLLATERALLY QUESTIONED IN ANY SUIT,  
18 ACTION, OR PROCEEDING EXCEPT AS EXPRESSLY AUTHORIZED IN THIS  
19 SUBSECTION (4).

20 (5) AFTER THE DATE OF THE FINAL ANNEXATION OF REAL  
21 PROPERTY TO THE DISTRICT BY RESOLUTION OF THE BOARD, THE ANNEXED  
22 REAL PROPERTY SHALL BE LIABLE FOR ITS PROPORTIONATE SHARE OF  
23 EXISTING BONDED INDEBTEDNESS OF THE DISTRICT BUT SHALL NOT BE  
24 LIABLE FOR ANY TAXES OR SERVICE CHARGES LEVIED OR ASSESSED PRIOR  
25 TO ITS ANNEXATION TO THE DISTRICT. THE ANNEXATION OF THE REAL  
26 PROPERTY TO THE DISTRICT SHALL NOT BE MADE SUBJECT TO OR  
27 CONTINGENT UPON THE PAYMENT OR ASSUMPTION OF ANY PENALTY, TOLL,

1 OR CHARGE, OTHER THAN THE TAXES AND SERVICE CHARGES THAT ARE  
2 UNIFORMLY MADE, ASSESSED, OR LEVIED FOR THE ENTIRE DISTRICT  
3 EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS ARTICLE.

4 (6) THE DISTRICT AND THE OWNER OF ANY REAL PROPERTY  
5 SOUGHT TO BE ANNEXED TO THE DISTRICT MAY ENTER INTO AN  
6 AGREEMENT WITH RESPECT TO THE TERMS AND CONDITIONS ON WHICH THE  
7 PROPERTY MAY BE ANNEXED.

8 PART 7

9 MISCELLANEOUS

10 **32-11.5-701. Budgets, accounts, audits, and construction**  
11 **contracting.** (1) THE DISTRICT SHALL ADOPT A BUDGET FOR EACH FISCAL  
12 YEAR, SHALL MAINTAIN ACCOUNTS, AND SHALL CAUSE AUDITS TO BE  
13 MADE PERTAINING TO THE FINANCIAL AFFAIRS OF THE DISTRICT AS  
14 RESPECTIVELY PROVIDED IN THE "LOCAL GOVERNMENT BUDGET LAW OF  
15 COLORADO", PART 1 OF ARTICLE 1 OF TITLE 29, C.R.S., THE "COLORADO  
16 LOCAL GOVERNMENT UNIFORM ACCOUNTING LAW", PART 5 OF ARTICLE  
17 1 OF TITLE 29, C.R.S., AND THE "COLORADO LOCAL GOVERNMENT AUDIT  
18 LAW", PART 6 OF ARTICLE 1 OF TITLE 29, C.R.S.

19 (2) THE DISTRICT SHALL BE SUBJECT TO THE PROVISIONS OF  
20 ARTICLE 91 OF TITLE 24, C.R.S., REGARDING CONSTRUCTION  
21 CONTRACTING. IN ACCORDANCE WITH SECTION 24-101-105 (2), C.R.S.,  
22 THE DISTRICT MAY ADOPT ALL OR ANY PART OF THE "PROCUREMENT  
23 CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S. THE DISTRICT MAY  
24 ALSO AWARD CONTRACTS USING AN INTEGRATED PROJECT DELIVERY  
25 METHOD PURSUANT TO THE "INTEGRATED DELIVERY METHOD FOR  
26 SPECIAL DISTRICT PUBLIC IMPROVEMENTS ACT", PART 18 OF ARTICLE 1  
27 OF THIS TITLE.

1           **32-11.5-702. No action maintainable.** AN ACTION OR  
2 PROCEEDING AT LAW OR IN EQUITY TO REVIEW ANY ACTS OR PROCEEDINGS  
3 OR TO QUESTION THE VALIDITY OR ENJOIN THE PERFORMANCE OF ANY ACT  
4 OR PROCEEDINGS OR THE ISSUANCE OF ANY BONDS OR FOR ANY OTHER  
5 RELIEF AGAINST OR FROM ANY ACTS OR PROCEEDINGS DONE UNDER THIS  
6 ARTICLE, WHETHER BASED UPON IRREGULARITIES OR JURISDICTIONAL  
7 DEFECTS, SHALL NOT BE MAINTAINED UNLESS COMMENCED WITHIN THIRTY  
8 DAYS AFTER THE PERFORMANCE OF THE ACT OR PROCEEDINGS OR THE  
9 EFFECTIVE DATE THEREOF, WHICHEVER OCCURS FIRST, AND IS THEREAFTER  
10 PERPETUALLY BARRED.

11           **32-11.5-703. Early hearings.** ANY CIVIL ACTION IN WHICH THERE  
12 MAY ARISE A QUESTION REGARDING THE VALIDITY OF ANY POWER  
13 GRANTED IN THIS ARTICLE OR OF ANY OTHER PROVISION OF THIS ARTICLE  
14 SHALL BE ADVANCED AS A MATTER OF IMMEDIATE PUBLIC INTEREST AND  
15 CONCERN AND SHALL BE HEARD AT THE EARLIEST PRACTICABLE MOMENT.

16           **32-11.5-704. Freedom from judicial process.** (1) EXECUTION  
17 OR OTHER JUDICIAL PROCESS SHALL NOT ISSUE AGAINST ANY PROPERTY OF  
18 THE DISTRICT AUTHORIZED IN THIS ARTICLE, NOR SHALL ANY JUDGMENT  
19 AGAINST THE DISTRICT BE A CHARGE OR LIEN UPON ITS PROPERTY.

20           (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO OR LIMIT  
21 THE RIGHT OF ANY BONDHOLDER, TRUSTEE, OR ASSIGNEE OF A  
22 BONDHOLDER, THE FEDERAL GOVERNMENT WHEN IT IS A PARTY TO ANY  
23 CONTRACT WITH THE DISTRICT, OR ANY OTHER OBLIGEE UNDER THIS  
24 ARTICLE TO FORECLOSE, OTHERWISE TO ENFORCE, AND TO PURSUE ANY  
25 REMEDIES FOR THE ENFORCEMENT OF ANY PLEDGE OR LIEN GIVEN BY THE  
26 DISTRICT ON THE PROCEEDS OF ANY TAXES, ASSESSMENTS, REVENUES, OR  
27 ANY OTHER MONEYS OF THE DISTRICT.

1           **SECTION 2.** 38-1-202 (1) (f), Colorado Revised Statutes, is  
2 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

3           **38-1-202. Governmental entities, corporations, and persons**  
4 **authorized to use eminent domain.** (1) The following governmental  
5 entities, types of governmental entities, and public corporations, in  
6 accordance with all procedural and other requirements specified in this  
7 article and articles 2 to 7 of this title and to the extent and within any time  
8 frame specified in the applicable authorizing statute may exercise the  
9 power of eminent domain:

10           (f) The following types of single purpose districts, special  
11 districts, authorities, boards, commissions, and other governmental  
12 entities that serve limited governmental purposes or that may exercise  
13 eminent domain for limited purposes on behalf of a county, city and  
14 county, city, or town:

15           (XX.5) THE FOUNTAIN CREEK WATERSHED, FLOOD CONTROL, AND  
16 GREENWAY DISTRICT CREATED IN SECTION 32-11.5-201, C.R.S., AS  
17 AUTHORIZED IN SECTION 32-11.5-205 (1) (n) (I), C.R.S.

18           **SECTION 3. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.