

TEXT

SECTION 29. 139-10-4 (3) and (4), Colorado Revised Statutes 1963 (numbered as 139-11-4 (3) and (4), CRS 1953), and the amendment thereto enacted by section 328 of chapter 39, Session Laws of Colorado 1964, are hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-10-4. Petition filed -- notice -- counterpetition -- commissioners -- election -- court order. (3)(a) Such commissioners shall forthwith call an election of all the resident landowners as defined in section 139-10-8 who are qualified registered electors residing in the territory proposed to be annexed.

(b) The commissioners shall establish one or more precincts within the territory proposed to be annexed and shall designate one polling place for each precinct. The precincts shall consist of one or more whole general election precincts wherever practicable. The commissioners shall forthwith certify the precinct boundaries to the county clerk of the county in which such territory is located. The county clerk shall prepare a registration list for each precinct, in the manner provided in the "Colorado Municipal Election Code of 1965". Registration and changes of address can be made with the county clerk up to and including the twentieth day prior to the election.

(c) The notice of such election shall be given by publication at least once each week for the four weeks immediately preceding the election, in some newspaper of general circulation in the county in which such territory is situated, and by posting copies of such notice in five public places within said territory for at least four weeks preceding such election. Such notice shall specify the date of such election and the hours during which the polls will be open, the precinct boundaries and the polling place within each precinct, the qualifications for persons to vote in the election, a description of the boundaries of the territory proposed to be annexed, and shall state that the description and a map or plat thereof are on file in the office of the clerk of the district court of the county in which such territory is located.

(d) The commissioners shall conduct the election in conformity

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This is the election on annexation of territory. It would be conducted in accordance with the Municipal Election Code. Precincts would be established and registration would be required.

In the case of annexation elections the definition of "landowner" has not been changed. "Landowner" as defined in 139-10-8 is not the same as "taxpaying elector."

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with the provisions of the "Colorado Municipal Election Code of 1965" insofar as applicable. The commissioners shall act as judges and clerks of the election and may appoint additional judges and clerks if necessary.

(e) The commissioners, in their discretion, may require each resident landowner who is a qualified registered elector of the territory proposed to be annexed, to sign a written oath that he is an owner in fee of real property in the territory proposed to be annexed and has in the next preceding calendar year become liable for a property tax thereon. If the elector is unable to write, he may request assistance from one of the judges of election, and such judge shall sign and witness the elector's mark.

(4)(a) The ballot or voting machine tabs used at such election shall contain the words "For Annexation" and "Against Annexation".

(b) The commissioners shall report the result of the election to the court within three days of such election. If the majority of votes cast at such election is against annexation, the court shall dismiss the petition. If the majority of votes cast is for annexation, the court shall by an order adjudge and decree that such territory shall be annexed to the municipality upon whose petition the proceedings shall have been initiated, upon compliance with the other provisions of this article. The annexation shall be complete on the effective date of the court's order and decree for all purposes except that of general taxation in which respect it shall not become effective until on or after the first day of January, next ensuing.

(c) If such commissioners find and determine by a house-to-house canvass of the territory proposed to be annexed that there are less than twenty-five electors qualified to vote in such election and that at least two-thirds of such electors have in writing consented to such annexation, they shall report such facts to the court. Such report shall be verified by any one of said commissioners and shall state the names and addresses of all electors with the qualifications above mentioned. Upon the filing of such report, the court may stay or discontinue the publication and posting of notices of such election and set a time and place for hearing upon said report. Notices of such hearing shall be given to any who may have appeared to contest the annexation in the manner provided

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for notice to parties to civil actions, and if, upon hearing, the report of said commissioners is approved and the consent to annexation appended thereto is genuine and bona fide, the court may thereupon dispense with such election and the publication and posting of notices thereof.

(d) The court shall allow each commissioner a reasonable compensation for his services as such, not exceeding one dollar for each hour necessarily employed in the performance of his duties.

SECTION 30. 139-14-2, Colorado Revised Statutes 1963, is hereby amended to read:

139-14-2. Mayor -- qualifications -- duties. The mayor shall be elected by a plurality of THE votes CAST FOR THE OFFICE AT THE REGULAR MUNICIPAL ELECTION ~~of the qualified voters of~~ IN the city. He shall be a qualified elector ~~and reside~~ WHO HAS RESIDED within the limits of the city FOR A PERIOD OF AT LEAST TWELVE CONSECUTIVE MONTHS IMMEDIATELY PRECEDING THE DATE OF THE ELECTION; PROVIDED, THAT IN CASE OF ANNEXATION, ANY PERSON WHO HAS RESIDED WITHIN THE ANNEXED TERRITORY FOR THE TIME PRESCRIBED SHALL BE DEEMED TO HAVE MET THE RESIDENCE REQUIREMENTS FOR THE CITY TO WHICH THE TERRITORY WAS ANNEXED. ~~and~~ HE shall hold his office for the term for which he shall have been elected or qualified. He shall keep an office at some convenient place in the city, to be provided by the city council; he shall sign all commissions, licenses, and permits granted by the authority of the city council, and such other acts as by the law or ordinances may require his certificate.

SECTION 31. 139-14-3, Colorado Revised Statutes 1963, is hereby amended to read:

139-14-3. Mayor -- vacancy -- powers -- salary. (1) In case of the mayor's death, disability, resignation, or other vacation of his office, the city council shall order a special election as soon as practicable to fill the vacancy for the remainder of the term of office, and may appoint some qualified elector to act as mayor until such special election. SUCH SPECIAL ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE "COLORADO MUNICIPAL ELECTION CODE OF 1965".

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This section refers to mayors in cities. Twelve months residence would be required.

This section also refers to mayors in cities. The special election to fill a vacancy in the office of mayor would be held in accordance with the Municipal Election Code.

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(2) The mayor of the city shall be its chief executive officer and conservator of the peace; and it shall be his special duty to cause the ordinances and the regulations of the city to be faithfully and constantly obeyed; he shall supervise the conduct of all the officers of the city, examine the grounds of all reasonable complaints made against any of them, and cause all the violations of their duty or their neglect to be promptly corrected or reported to the proper tribunal for punishment and correction. The mayor shall have and exercise, within the city limits, the powers conferred upon the sheriffs of counties to suppress disorders and keep the peace. He shall also perform such other duties compatible with the nature of his office as the council may from time to time require. The mayor shall receive such salary, payable quarterly out of the city treasury, as may be provided by ordinance, but the amount of such salary shall neither be increased nor diminished during an incumbent's term of office.

SECTION 32. 139-32-1 (7), (31), and (34)(a), Colorado Revised Statutes 1963, are hereby amended to read:

139-32-1. Powers of governing bodies. -- (7) Indebtedness.

(a) The city council and boards of trustees in towns, shall have the power to contract an indebtedness on behalf of the city or town and upon the credit thereof, by borrowing money or issuing the bonds of the city or town, for the following purposes, to-wit: For the purpose of erecting public buildings; for the purpose of the purchase of lands for public parks and the improvement thereof; for the purpose of constructing sanitary and storm sewers, drains and other conduits for the city or town; for the purpose of the purchase of water or water rights; for the purpose of the purchase or construction of water works for fire and domestic purposes; for the purpose of the purchase or construction of a canal or canals, or some suitable system for supplying water for irrigation in the city or town; for the purpose of purchase or construction of gasworks for manufacturing illuminating gas; for the purpose of the purchase or construction of a plant to supply electricity; for the purpose of constructing bridges; for the purpose of constructing levees and for the purpose of supplying a temporary deficiency in the revenue for defraying the current expenses of the city or town.

Section 139-32-1 concerns powers of the governing bodies of cities and towns.

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(b) The total amount of indebtedness for all purposes shall not at any time exceed three per cent of the total assessed valuation FOR ASSESSMENT of the taxable property in the city or town except such debt as may be incurred in supplying the city or town with water and waterworks, and no loan for any purpose shall be made except it be by ordinance, which shall be irrevocable until the indebtedness therein provided for shall be fully paid, specifying the purpose to which the funds to be raised shall be applied, and providing for the levying of a tax not exceeding, in total amount, for the entire indebtedness of the city or town, excepting such debt as may be incurred in supplying the city or town with water or waterworks, twelve mills on each dollar of valuation of the taxable property within the city or town, sufficient to pay the annual interest and extinguish the principal of said debt within the time limited for the debt to run, which, excepting such debt as may be incurred in supplying the city or town with water or waterworks, shall not be less than ten years, nor more than fifteen years, and providing that said tax when collected shall only be applied for the purposes in said ordinance specified, until the indebtedness shall be paid and discharged.

(c) ~~but~~ No debt shall be created, except the supplying of the city or town with water, unless the question of incurring the same shall be submitted, at a regular election of ~~officers-for~~ the city or town, to the vote of ~~such~~ THE qualified TAXPAYING electors of the SUCH city or town, ~~as, -in-the-year-next-preceding, -shall-have paid-a-real-property-tax-therein,~~ and a majority of those voting upon the question ~~by-ballet-deposited-in-a-separate-ballet-box~~ shall vote in favor of creating such debt. IF THE QUESTION IS SUBMITTED ON PAPER BALLOTS, SUCH BALLOTS SHALL BE DEPOSITED IN A SEPARATE BALLOT BOX RESERVED FOR THAT PURPOSE. IF THE QUESTION IS SUBMITTED ON VOTING MACHINES, PROVISION SHALL BE MADE TO ASSURE THAT ONLY REGISTERED TAXPAYING ELECTORS ARE PERMITTED TO VOTE ON SUCH QUESTION.

(d) No statutory provisions of any other law limiting or fixing tax rates shall limit the provision of this subsection. Bonds issued under this subsection may mature serially during a period of not less than ten nor more than fifteen years from the date thereof,

in which event the amounts of such annual maturities shall be fixed by the city council or board of trustees; provided, ~~however,~~ that bonds issued to supply the city or town with water or waterworks may mature over a longer period not exceeding thirty years from the date thereof. The right to redeem all or part of said bonds prior to their maturity, and the order of any such redemption, shall be reserved in the ordinance authorizing the issuance of bonds, and shall be set forth on the face of said bonds.

(31) Hospitals and places of relief. To erect, establish, and maintain public hospitals, medical dispensaries, and other suitable places of relief; provided, THAT no such hospitals, medical dispensaries, or other suitable places of relief shall be authorized to be established, acquired, or erected by a city or town unless the same shall be SUBMITTED TO A VOTE OF THE QUALIFIED TAXPAYING ELECTORS approved at a general REGULAR or special election AND APPROVED by a majority vote of those VOTING THEREON; ~~qualified-electors-who vote-on-such-question-at-said-election-and-who-have-paid-a-general tax-on-real-property-in-such-city-or-town;~~ AND provided further, THAT such city or town does not have a general licensed medical AND surgical hospital in operation within its corporate limits, within the twelve months immediately preceding said election. IF THE QUESTION IS SUBMITTED ON PAPER BALLOTS, SUCH BALLOTS SHALL BE DEPOSITED IN A SEPARATE BALLOT BOX RESERVED FOR THAT PURPOSE. IF THE QUESTION IS SUBMITTED ON VOTING MACHINES, PROVISION SHALL BE MADE TO ASSURE THAT ONLY REGISTERED TAXPAYING ELECTORS ARE PERMITTED TO VOTE ON SUCH QUESTION.

(34) Water, gas and electric works. (a) To acquire waterworks, gasworks, and gas distribution systems for the distribution of gas of any kind, or electric light and power works and distribution systems, and all appurtenances necessary to any said works or systems, or to authorize the erection, ownership, operation, and maintenance of such works and systems by others. No such works or systems shall be acquired or erected by a city or town until a majority of the qualified TAXPAYING electors, ~~who-paid-a-property tax-therein-in-the-year-preceding-the-year-of-election,~~ voting on the question at a general REGULAR or special election, by vote approved the same in accordance with the requirements of law including

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such requirements of law now existing or hereafter enacted relating to the acquisition and financing of public utilities by cities and towns. IF THE QUESTION IS SUBMITTED ON PAPER BALLOTS, SUCH BALLOTS SHALL BE DEPOSITED IN A SEPARATE BALLOT BOX RESERVED FOR THAT PURPOSE. IF THE QUESTION IS SUBMITTED ON VOTING MACHINES, PROVISION SHALL BE MADE TO ASSURE THAT ONLY REGISTERED TAXPAYING ELECTORS ARE PERMITTED TO VOTE ON SUCH QUESTION.

SECTION 33. 139-32-2(1), Colorado Revised Statutes 1963, is hereby amended to read:

139-32-2. Power to sell public works -- real property. (1) To sell and dispose of waterworks, ditches, gasworks, electric light works, or other public utilities, public buildings, real property used or held for park purposes, or any other real estate used or held for any governmental purposes. Before any such sale thereof shall be made, the question of said sale and the terms and consideration thereof shall be submitted to ~~and ratified by a~~ majority A vote of the qualified TAXPAYING electors of such city or town ~~who shall have paid a property tax therein during the preceding calendar year. -- The vote shall be by ballot deposited in a separate ballot box~~ at a regular OR SPECIAL municipal election ~~or at a special election called and held in the manner provided by law~~ AND APPROVED BY A MAJORITY OF THOSE VOTING THEREON. IF THE QUESTION IS SUBMITTED ON PAPER BALLOTS, SUCH BALLOTS SHALL BE DEPOSITED IN A SEPARATE BALLOT BOX RESERVED FOR THAT PURPOSE. IF THE QUESTION IS SUBMITTED ON VOTING MACHINES, PROVISION SHALL BE MADE TO ASSURE THAT ONLY REGISTERED TAXPAYING ELECTORS ARE PERMITTED TO VOTE ON SUCH QUESTION.

This is an additional power of governing bodies in cities and towns.

SECTION 34. 139-32-3, Colorado Revised Statutes 1963, is hereby amended to read:

139-32-3. Construction of highway -- petition -- notice -- election -- tax. Any city or incorporated town may aid in the construction and repair of any highway leading thereto, by appropriating therefor a portion of the highway tax belonging to said city or incorporated town, not exceeding fifty per cent thereof, annually, as provided in this section. When a petition shall be presented to

The provisions of the Municipal Election Code would be applicable to this type of special election.

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the council or trustees, signed by twenty of the ~~resident-taxpayers~~ ELECTORS of said city or town, asking that the question of aiding in the construction or repair of any highway leading thereto be submitted to the ~~voters~~ ELECTORS thereof, the council or trustees immediately shall give notice of a special election, ~~by-posting notice-in-five-public-places-in-said-city-or-town-at-least-ten-days before-said-election,~~ which notice shall specify the ~~time-and-place of-holding~~ DATE OF said election, the particular highway proposed to be aided, AND the proportion of the highway tax then levied and not expended, or next thereafter to be levied, to be appropriated. THE ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE "COLORADO MUNICIPAL ELECTION CODE OF 1965". ~~at-which-election~~ The question ~~of~~ ON THE BALLOT OR VOTING MACHINE TABS SHALL BE "Appropriation" or "No Appropriation". ~~shall-be-submitted.~~ If a majority of votes polled be for appropriation, then the council or trustees may aid in the construction and repair of said highway to the extent of said appropriation, in the same manner as they otherwise would if said highway was within the corporate limits of said city or town. No part of such highway tax shall be expended more than two miles from the limits of such city or town.

SECTION 35. 139-42-1, Colorado Revised Statutes 1963, is hereby amended to read:

139-42-1. Financing acquisition of utilities. (1) In any city or town possessed of authority to acquire public utilities, operating under general law or under the twentieth amendment to the constitution of the state of Colorado, unless otherwise provided by the charter of such city or town, no public utility shall be acquired until the plan for such acquisition shall have been adopted by ordinance, and such ordinance approved AT A REGULAR OR SPECIAL ELECTION by a majority of the qualified ~~property~~ TAXPAYING electors of such city or town. ~~as-shall-in-the-next-year-preceding-the-year of-election-have-paid-a-property-tax-therein.~~ IF THE QUESTION IS SUBMITTED ON PAPER BALLOTS, SUCH BALLOTS SHALL BE DEPOSITED IN A SEPARATE BALLOT BOX RESERVED FOR THAT PURPOSE. IF THE QUESTION IS SUBMITTED ON VOTING MACHINES, PROVISION SHALL BE MADE TO ASSURE THAT ONLY REGISTERED TAXPAYING ELECTORS ARE PERMITTED TO VOTE ON SUCH QUESTION.

This section concerns the election on the acquisition of public utilities.

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Nothing contained in this paragraph shall prevent the institution of condemnation proceedings as may be provided by law.

(2) Such ordinance shall describe the property to be acquired; the full purchase price to be paid by such city or town therefor and the method of payment thereof, as well as the total obligations to be incurred by such city or town, in making such acquisition, whether by way of general obligation bonds of such city or town, issued under the provisions of section 8, article XI of the constitution of the state of Colorado or by way of obligations chargeable solely or in part against the income of such utility, or both. In event of the issuance of obligations payable solely out of income, all operating and other costs shall be met solely out of income of the utility acquired.

(3) Said ordinance may provide for the payment into such fund for service to be rendered for municipal purposes, but such payments shall at all times be reasonable.

SECTION 36. 139-43-3, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-43-3. Bond election -- judgments. (1) Whenever such city council or board of trustees shall deem it expedient to issue funding bonds under the provisions of this article, they shall direct, by ordinance, that the question be submitted, at a regular or special election, to the registered taxpaying electors of such city or town. At any election held under the provisions of this article, the question of authorizing the funding of all or any part of the floating indebtedness of the city or town may be submitted as one question of determination, irrespective of the form or date of such indebtedness. The election shall be conducted as nearly as may be in conformity with the provisions of the "Colorado Municipal Election Code of 1965". The election notice shall specify, in addition to the time and places for holding said election, the qualifications for persons to vote on such question, the amount of the indebtedness to be funded, and the amount of funding bonds proposed to be issued at the rate of interest they shall bear. At such election the ballots or voting machine tabs shall contain the

This concerns funding bonds for the purpose of funding floating indebtedness.

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words "For the Funding Bonds" and "Against the Funding Bonds". If the question is submitted on paper ballots, such ballots shall be deposited in a separate ballot box reserved for that purpose. If the question is submitted on voting machines, provision shall be made to assure that only registered taxpaying electors are permitted to vote on such question.

(2) No election shall be necessary to authorize the city council of any city or the board of trustees of any town to issue bonds for the purpose of funding indebtedness in the form of a valid subsisting judgment against the municipality.

SECTION 37. 139-44-3(1), Colorado Revised Statutes 1963, is hereby amended to read:

139-44-3. Vote of electors -- when required -- procedures.

(1) Whenever such governing body shall deem it expedient to issue refunding bonds under the provisions of this article, and either the net interest cost or the net effective interest rate of the proposed issue of refunding bonds shall exceed the net interest cost or the net effective interest rate, respectively, of the issue of bonds to be refunded, the governing body, by ordinance or resolution, shall submit the question of issuing said refunding bonds to a vote of the duly qualified REGISTERED TAXPAYING electors, as defined in this article, of such municipality at a special election called and held for that purpose, or ~~the question may be submitted~~ at a regular election of municipal officers; provided, however, that bonds issued under this article for the purpose of refunding bonds which were originally issued to supply water to such municipality shall not require such approval of the TAXPAYING electors.

This section concerns elections on refunding bonds.

SECTION 38. 139-44-3 (3), (4), and (5), Colorado Revised Statutes 1963, are hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-44-3. Vote of electors -- when required -- procedures.

(3) The election shall be conducted as nearly as may be in conformity with the provisions of the "Colorado Municipal Election Code of 1965".

These subsections also concern elections on refunding bonds.

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(4) The election notice shall specify, in addition to the time and places for holding said election, the qualifications for persons to vote on such question, the amount and date of the bonds to be refunded, the amount of refunding bonds proposed to be issued and the rate of interest, not exceeding six per cent per annum, which they shall bear.

(5) At such election the ballots or voting machine tabs shall contain the words "For the Refunding Bonds" and "Against the Refunding Bonds". If the question is submitted on paper ballots, such ballots shall be deposited in a separate ballot box reserved for that purpose. If the question is submitted on voting machines, provision shall be made to assure that only registered taxpaying electors are permitted to vote on such question.

SECTION 39. 139-44-13(6), Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-44-13. Definitions. (6)(a) "Duly qualified elector" and "qualified taxpaying elector", in determining what persons are eligible to vote on the question of issuing refunding bonds when such a vote is required, shall mean a person who is at least twenty-one years of age, a citizen of the United States, and who has resided in the state for one year, in the county for ninety days, in the municipality for thirty days and in the municipal election precinct for twenty days immediately preceding the election at which he offers to vote, and who, during the twelve months next preceding the said election, has paid an ad valorem tax upon real or personal property situated within the municipality and owned by said person; and "qualified registered taxpaying elector" means a taxpaying elector who has complied with the registration provisions of the "Colorado Municipal Election Code of 1965".

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Subsection (6) of 139-44-3 is repealed. It provides for a certified list of taxpaying electors for the refunding bond election.

This is the definition applicable to the article on refunding bonds. The present definition refers to "duly qualified elector" as a person who would have been qualified to vote on the original bonds.

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(b) "Ad valorem tax" means only the general property tax, levied annually on real or personal property listed with the county assessor; it shall not include any one or more of the following taxes: Income tax, sales tax, use tax, excise tax, or specific ownership tax on a motor vehicle or trailer. The generality of this definition shall not be restricted by the listing set forth herein.

SECTION 40. 139-45-2, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-45-2. Question submitted to taxpaying electors. No bonds shall be issued under this article until the question of issuing the same shall be submitted, at a regular election of such city or town, to a vote of the qualified registered taxpaying electors thereof. The proposition shall not be approved unless at least three-fourths of those voting on the question shall vote in favor of the proposition. The aggregate amount of such bonds, together with all other indebtedness of the city or town existing at the time of such election, exclusive of indebtedness contracted for supplying the city or town with water, shall not exceed three per cent of the valuation for assessment of the taxable property within the city or town, as determined by the assessment next preceding the last assessment prior to the adoption of an ordinance authorizing the issuance of bonds so voted. The election shall be conducted as nearly as may be in accordance with the "Colorado Municipal Election Code of 1965". If the question is submitted on paper ballots, such ballots shall be deposited in a separate ballot box reserved for that purpose. If the question is submitted on voting machines, provision shall be made to assure that only registered taxpaying electors are permitted to vote on such question.

SECTION 41. 139-48-1, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-48-1. Authorization -- petition -- election. (1)(a) All municipalities organized under the general laws of the state of Colorado and having paid fire departments are hereby authorized to adopt civil service regulations pertaining to such departments in the following manner:

This is the election on bonds to pay a matured special assessment.

This section concerns the adoption of civil service regulations for firemen.

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(b) The council or the board of aldermen or trustees may, and upon the petition of qualified electors in number not less than fifteen per cent of the last preceding vote for mayor shall, submit the question of accepting civil service provisions relative to such fire department to a vote of the qualified registered electors at the next regular municipal election. If a petition is submitted, the signatures to such petition shall be acknowledged before a notary public and need not be all on one paper. The ordinance calling for submission of the question shall provide for classification of all members of the fire department.

(c) The election notice shall state that the question is submitted for the purpose of ascertaining whether or not the municipality will adopt civil service regulations relative to said fire department. The election shall be conducted as nearly as may be in accordance with the provisions of the "Colorado Municipal Election Code of 1965". The ballots or voting machine tabs shall contain the words, "For the Merit System" and "Against the Merit System".

(d) If, upon the official determination of the result of such election, it appears that a majority of all the votes cast are in favor of the adoption of the merit system under civil service regulations, then this article and all rules made thereunder shall immediately thereafter be in full force and effect in said municipality.

SECTION 42. 139-51-7, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-51-7. First election of trustees. If, at the election provided in section 139-51-14, the majority of votes cast is in favor of the board of trustees, the mayor shall thereupon issue a call for a special election of such board of trustees, to be conducted by the municipal clerk in accordance with the provisions of section 139-51-9 and the "Colorado Municipal Election Code of 1965", insofar as practicable. If the entire municipality is included within the jurisdiction of such board of trustees, the election may be held in conjunction with the regular municipal election.

This is the first election of trustees following a vote in favor of having a board of trustees to manage waterworks of the city or any portion thereof.

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SECTION 43. 139-51-9, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-51-9. Regular election of trustees. The regular election for electing trustees under the provisions of this article, after the first election to be called by the mayor, shall be held biennially on the first Tuesday in June; provided, that if the entire municipality is included within the jurisdiction of such board of trustees, the election may be held in conjunction with the regular municipal election. The election shall be conducted by the municipal clerk in accordance with the provisions of the "Colorado Municipal Election Code of 1965", insofar as practicable. Only qualified registered electors who reside in that part of the municipality within the jurisdiction of such board of trustees shall be permitted to vote in such election. Only registered taxpaying electors residing in such part of the municipality shall be permitted to vote on any proposition to create or contract a debt or loan for the purpose of acquiring, constructing, or extending waterworks.

SECTION 44. 139-51-14, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

139-51-14. Election. Before the people of any municipality or part or district of any municipality can avail themselves of the provisions of sections 139-51-6 to 139-51-14, the question to determine their wishes shall first be submitted to the qualified registered electors of said municipality or district, at a special election to be called by the mayor of said municipality, upon petition presented to him, signed by at least one hundred taxpaying electors who reside in that part or district of the municipality for which the board of trustees may be asked. If the entire municipality is proposed to be included within the jurisdiction of such board of trustees, such election may be held in conjunction with the regular municipal election. At said election the ballot or voting machine tabs shall be "For the Board of Trustees" and "Against the Board of Trustees". The election shall be conducted by the municipal clerk in accordance with the provisions of the "Colorado Municipal Election Code of 1965", insofar as practicable. If the majority of votes cast is against the creation of the board

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This is the regular election of waterworks trustees. Reference is made to the Municipal Election Code. Much detail is eliminated.

This is the election to determine whether there will be a board of trustees to manage the waterworks.

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of trustees, no further action can be taken under sections 139-51-6 to 139-51-14 for a period of one year, and then only on petition as provided in said section.

SECTION 45. 139-87-2, Colorado Revised Statutes 1963, is hereby amended to read:

139-87-2. Questions submitted to electors. (1) Lands which may be required for any of the purposes named in section 139-87-1, either within or without the corporate limits of such town, may be set aside by any such town and devoted to such purposes, out of any lands or parcels of lands owned or possessed by any such town. Said lands may be acquired either by gift or purchase, in the manner provided by law. No lands shall be so acquired unless the question of acquiring the same shall have been submitted, at a regular OR SPECIAL election ~~for officers of~~ IN such town, to a vote of the qualified REGISTERED electors thereof and a majority of those voting on the question shall vote in favor of acquiring the same. All votes upon the question shall be "For the acquirement of parks and the establishment of boulevards, parkways and roads or "Against the acquirement of parks or the establishment of boulevards, parkways or roads". ~~and the proposition aforesaid shall be included in the ballot used at such election for officers of said town.~~

These are the town elections on the question of acquiring lands for parks, boulevards, parkways, avenues and roads and on the question of creating indebtedness therefor.

(2) No indebtedness shall be created nor shall any bonds be issued for acquiring such parks or establishing such boulevards, parkways or roads unless the question of incurring such debt and issuing such bonds shall have been submitted, at a regular OR SPECIAL election ~~for officers of~~ IN such town, to a vote of ~~such~~ THE qualified REGISTERED TAXPAYING electors thereof, ~~as shall in the year next preceeding have paid a property tax therein,~~ and a majority of those voting on the question ~~by ballot deposited in a separate ballot box~~ shall vote in favor of incurring such debt and issuing such bonds. IF THE QUESTION IS SUBMITTED ON PAPER BALLOTS, SUCH BALLOTS SHALL BE DEPOSITED IN A SEPARATE BALLOT BOX RESERVED FOR THAT PURPOSE. IF THE QUESTION IS SUBMITTED ON VOTING MACHINES, PROVISION SHALL BE MADE TO ASSURE THAT ONLY REGISTERED TAXPAYING ELECTORS ARE PERMITTED TO VOTE ON SUCH QUESTION.

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(3) The board of trustees of such town shall submit, upon petition of the electors of such town equal in number to one-tenth of the number of such electors voting at the last general REGULAR election of such town, to the electors of such town at the next general REGULAR election for officers of such town, OR AT A SPECIAL ELECTION, both of the questions by separate ordinance; and shall state, in the ordinance submitting the question of the acquirement of such lands and the establishment of such boulevards, parkways and roads, the location of the land proposed to be acquired, describing the same by legal subdivisions, and the price to be paid in case of purchase and the manner of payment. If the majority of those voting upon the last ACQUIREMENT question at such election shall vote in favor of the acquirement of such lands, for such purposes, the board of trustees shall acquire such lands for the purposes. and if authorized IF THE MAJORITY OF THOSE VOTING UPON THE QUESTION OF INCURRING INDEBTEDNESS SHALL VOTE IN FAVOR OF INCURRING INDEBTEDNESS, THE BOARD OF TRUSTEES shall contract the necessary indebtedness and issue the necessary bonds therefor.

SECTION 46. 139-88-13, Colorado Revised Statutes 1963, is hereby amended to read:

139-88-13. Acquisition and bonds submitted to taxpaying electors. (1) Lands which may be required for any of the purposes named in section 139-88-1, either within or without the corporate limits, may be acquired by purchase. No lands shall be so acquired unless the question of acquiring the same shall have been submitted at a regular OR SPECIAL election for officers of such city, vote of the qualified REGISTERED TAXPAYING electors of such city, who, in the year next preceding, shall have paid a real property tax thereon, and a majority of those voting on the question shall vote in favor of acquiring the same. All votes upon the question shall be "For the acquirement of lands for park purposes" or "Against the acquirement of lands for park purposes", and the proposition shall be included in the ballot used at such election for the officers of the said city. But no indebtedness shall be created nor shall any bonds be issued for acquiring such parks or establishing such boulevards, parkways or roads, unless the question of

These are the city elections on the question of acquiring lands for parks, boulevards, parkways, avenues, driveways and roadways, and on the question of creating indebtedness therefor.

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incurring such debt and issuing such bonds shall have been submitted at a regular OR SPECIAL election ~~for officers of such city~~ to a vote of such qualified REGISTERED TAXPAYING electors thereof, ~~who, in the year next preceding, shall have paid a real property tax therein,~~ and a majority of those voting on the question by ballot ~~deposited in a separate ballot box~~ shall vote in favor of incurring such debt and issuing such bonds.

(2) The city council of such city, upon petition of the TAX-PAYING electors of such city equal in number to one-tenth of the number of such electors voting at the last ~~general~~ REGULAR election of such city, shall submit to the REGISTERED TAXPAYING electors of such city at the next ~~general~~ REGULAR OR SPECIAL election ~~for officers of such city,~~ either or both of the questions by separate ordinance; and, in the ordinance submitting the question of the acquirement of such lands and the establishment of such parks, boulevards, parkways and roads shall state the location of the land proposed to be acquired, describing the same by legal subdivisions, wherever practicable, and the price to be paid in cash for purchase and the manner of payment. If the majority of those voting upon the ~~last~~ ACQUIREMENT question at such election shall vote in favor of the acquirement of such lands for such purposes, the city council shall acquire such lands for such purposes. IF THE MAJORITY OF THOSE VOTING UPON THE QUESTION OF INCURRING INDEBTEDNESS SHALL VOTE IN FAVOR THEREOF, THE CITY COUNCIL ~~and if authorized,~~ shall contract the necessary indebtedness and issue the necessary bonds therefor.

(3) IF THE QUESTION OR QUESTIONS ARE SUBMITTED ON PAPER BALLOTS, SUCH BALLOTS SHALL BE DEPOSITED IN A SEPARATE BALLOT BOX RESERVED FOR THAT PURPOSE. IF THE QUESTION OR QUESTIONS ARE SUBMITTED ON VOTING MACHINES, PROVISION SHALL BE MADE TO ASSURE THAT ONLY REGISTERED TAXPAYING ELECTORS ARE PERMITTED TO VOTE ON SUCH QUESTION.

SECTION 47. Repeal. 139-9-5, 139-9-7, 139-9-11 as amended, and 139-44-3(6), Colorado Revised Statutes 1963, are hereby repealed.

Sections 139-9-5, 139-9-7, and 139-9-11 contain unnecessary detail on the election to dissolve and annex to a

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SECTION 48. Effective date. This act shall take effect July 1, 1965.

SECTION 49. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

special charter city. Subsection (6) of section 139-44-3 concerns a list of tax-paying electors for the refunding bond election.