

CHAPTER

GOVERNMENT – COUNTY

SENATE BILL XX-XXX

BY SENATOR(S) XX, and XX
also REPRESENTATIVE(S) XX.**AN ACT**

CONCERNING THE USE OF URBAN RENEWAL WITHIN A COUNTY.

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

SECTION 1. Article 20 of title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF PART 15 to read:

30-20-15.1. Short Title

(1)(a) THIS PART 15 SHALL BE KNOWN AND MAY BE CITED AS “URBAN RENEWAL BY COUNTIES”.

30-20-15.2. Legislative Declaration

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THERE EXIST IN THE UNINCORPORATED LAND WITHIN COUNTIES OF THIS STATE SLUM AND BLIGHTED AREAS WHICH CONSTITUTE THE SAME MENACE AND INJURY TO THE RESIDENTS OF COUNTIES AND THE STATE AS SLUM AND BLIGHTED AREAS IN MUNICIPALITIES AS SET FORTH IN SECTION 31-25-102.

30-20-15.3. Definitions

AS USED IN THIS PART 15, UNLESS CONTEXT OTHERWISE REQUIRES, THE DEFINITIONS SET FORTH IN SECTION 31-25-103 SHALL HAVE THE SAME MEANING IN THIS PART 15.

30-20-15.4. Urban Renewal Authority.

(1)(a) ANY TWENTY-FIVE REGISTERED ELECTORS OF THE COUNTY MAY FILE A PETITION WITH THE CLERK, SETTING FORTH THAT THERE IS A NEED FOR AN AUTHORITY TO FUNCTION IN THE COUNTY. UPON THE FILING OF SUCH A PETITION, THE CLERK SHALL GIVE NOTICE OF THE TIME, PLACE, AND PURPOSE OF A PUBLIC HEARING, AT WHICH THE BOARD OF COUNTY COMMISSIONERS WILL DETERMINE THE NEED FOR SUCH AN AUTHORITY IN THE COUNTY. SUCH NOTICE SHALL BE GIVEN AT THE EXPENSE OF THE COUNTY BY PUBLISHING A NOTICE, AT LEAST TEN DAYS PRECEDING THE DAY ON WHICH THE HEARING IS TO BE HELD, IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE COUNTY OR, IF THERE IS NO SUCH NEWSPAPER, BY POSTING SUCH A NOTICE IN AT LEAST THREE PUBLIC PLACES WITHIN THE COUNTY AT LEAST TEN DAYS PRECEDING THE DAY ON WHICH THE HEARING IS TO BE HELD.

(b) UPON THE DATE FIXED FOR SAID HEARING HELD UPON NOTICE AS PROVIDED IN THIS SECTION, A FULL OPPORTUNITY TO BE HEARD SHALL BE GRANTED TO ALL RESIDENTS AND TAXPAYERS OF THE COUNTY AND TO ALL OTHER INTERESTED PERSONS. AFTER SUCH A HEARING, IF THE BOARD OF COUNTY COMMISSIONERS FINDS THAT ONE OR MORE SLUM OR BLIGHTED AREAS EXIST IN THE UNINCORPORATED LAND WITHIN THE COUNTY, AND FINDS THAT THE ACQUISITION, CLEARANCE, REHABILITATION, CONSERVATION, DEVELOPMENT, OR REDEVELOPMENT, OR A COMBINATION THEREOF OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, OR WELFARE OF THE RESIDENTS OF THE COUNTY, AND DECLARES IT TO BE IN THE PUBLIC INTEREST THAT THE URBAN RENEWAL AUTHORITY FOR SUCH COUNTY CREATED BY THIS PART 1 EXERCISE THE POWERS PROVIDED IN THIS PART 15 TO BE EXERCISED BY SUCH AUTHORITY, THE BOARD OF COUNTY COMMISSIONERS SHALL ADOPT A RESOLUTION SO FINDING AND DECLARING AND SHALL CAUSE NOTICE OF SUCH RESOLUTION TO BE GIVEN TO THE BOARD OF COUNTY COMMISSIONERS, WHO SHALL THEREUPON APPOINT, AS PROVIDED IN PARAGRAPH (A) OF SUBSECTION (2) OF THIS SECTION, COMMISSIONERS TO ACT AS AN AUTHORITY. A

CERTIFICATE SIGNED BY SUCH COMMISSIONERS SHALL THEN BE FILED WITH THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS AND THERE REMAIN OF RECORD, SETTING FORTH THAT THE BOARD OF COUNTY COMMISSIONERS MADE THE FINDINGS AND DECLARATION PROVIDED IN THIS PARAGRAPH (B) AFTER SUCH HEARING AND THAT THE BOARD OF COUNTY COMMISSIONERS HAS APPOINTED THEM AS COMMISSIONERS. UPON THE FILING OF SUCH CERTIFICATE, THE COMMISSIONERS AND THEIR SUCCESSORS ARE CONSTITUTED AN URBAN RENEWAL AUTHORITY, WHICH SHALL BE A BODY CORPORATE AND POLITIC. THE BOUNDARIES OF SUCH AUTHORITY SHALL BE COTERMINOUS WITH THOSE OF THE COUNTY.

(c) IF THE BOARD OF COUNTY COMMISSIONERS, AFTER A HEARING, DETERMINES THAT THE FINDINGS AND DECLARATION ENUMERATED IN PARAGRAPH (B) OF THIS SUBSECTION (1) CANNOT BE MADE, IT SHALL ADOPT A RESOLUTION DENYING THE PETITION. AFTER SIX MONTHS HAVE EXPIRED FROM THE DATE OF THE DENIAL OF SUCH PETITION, SUBSEQUENT PETITIONS MAY BE FILED AND NEW HEARINGS AND DETERMINATIONS MADE THEREON; EXCEPT THAT THERE SHALL BE AT LEAST SIX MONTHS BETWEEN THE TIME OF FILING OF ANY SUBSEQUENT PETITION AND THE DENIAL OF THE LAST PRECEDING PETITION.

(d) IN ANY SUIT, ACTION, OR PROCEEDING INVOLVING THE VALIDITY OR ENFORCEMENT OF ANY BOND, CONTRACT, MORTGAGE, TRUST INDENTURE, OR OTHER AGREEMENT OF THE AUTHORITY, THE AUTHORITY SHALL BE CONCLUSIVELY DEEMED TO HAVE BEEN ESTABLISHED IN ACCORDANCE WITH THE PROVISIONS OF THIS PART 1 UPON PROOF OF THE FILING OF SAID CERTIFICATE. A COPY OF SUCH CERTIFICATE, DULY CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT, SHALL BE ADMISSIBLE IN EVIDENCE IN ANY SUCH SUIT, ACTION, OR PROCEEDING.

(2)(a)(I) EXCEPT AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, AN AUTHORITY CONSISTS OF THIRTEEN COMMISSIONERS, NOT FEWER THAN TEN OF WHOM MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS, WHO SHALL DESIGNATE THE CHAIRPERSON FOR THE FIRST YEAR. IN ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF ALL TAXING BODIES LEVYING A MILL LEVY IN ONE OR MORE URBAN RENEWAL AREAS MANAGED BY THE AUTHORITY, REFERRED TO IN THIS PART 15 AS AN "URBAN RENEWAL AUTHORITY AREA", ONE SUCH COMMISSIONER MUST BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. IF THE URBAN RENEWAL AUTHORITY AREA IS LOCATED WITHIN THE BOUNDARIES OF MORE THAN ONE COUNTY, THE APPOINTMENT IS MADE BY AGREEMENT OF ALL OF THE COUNTIES IN WHICH THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED.

(II) IF NO SPECIAL DISTRICT, OR SCHOOL DISTRICT APPOINTS A COMMISSIONER TO THE AUTHORITY, THEN THE SPECIAL DISTRICT, OR SCHOOL DISTRICT APPOINTMENT REMAINS VACANT UNTIL SUCH TIME AS THE APPLICABLE APPOINTING AUTHORITY MAKES THE APPOINTMENT PURSUANT TO THIS PARAGRAPH (A).

(III) NOT MORE THAN ONE OF THE COMMISSIONERS APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS MAY BE AN OFFICIAL OF THE COUNTY.

(IV) IN THE EVENT THAT AN OFFICIAL OF THE COUNTY IS APPOINTED AS COMMISSIONER OF AN AUTHORITY, ACCEPTANCE OR RETENTION OF SUCH APPOINTMENT IS NOT DEEMED A FORFEITURE OF HIS OR HER OFFICE, OR INCOMPATIBLE THEREWITH, AND DOES NOT AFFECT HIS OR HER TENURE OR COMPENSATION IN ANY WAY. THE TERM OF OFFICE OF A COMMISSIONER OF AN AUTHORITY WHO IS A COUNTY OFFICIAL IS NOT AFFECTED OR CURTAILED BY THE EXPIRATION OF THE TERM OF HIS OR HER COUNTY OFFICE.

(b) THE COMMISSIONERS WHO ARE FIRST APPOINTED MUST BE DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS TO SERVE FOR STAGGERED TERMS SO THAT THE TERM OF AT LEAST ONE COMMISSIONER WILL EXPIRE EACH YEAR. THEREAFTER, THE TERM OF OFFICE IS FIVE YEARS. A COMMISSIONER HOLDS OFFICE UNTIL HIS OR HER SUCCESSOR HAS BEEN APPOINTED AND HAS QUALIFIED. VACANCIES OTHER THAN BY REASON OF EXPIRATION OF TERMS MUST BE FILLED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE UNEXPIRED TERM; EXCEPT THAT, IN THE CASE OF A COMMISSIONER ON THE AUTHORITY WHO HAS BEEN APPOINTED BY THE BOARD OF COMMISSIONERS OF A COUNTY PURSUANT TO PARAGRAPH (A) A VACANCY OF THE SPECIAL-DISTRICT APPOINTED SEAT MUST BE FILLED BY AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS AND A VACANCY OF THE SCHOOL-DISTRICT APPOINTED

SEAT MUST BE FILLED BY AGREEMENT OF THE AFFECTED SCHOOL DISTRICTS. A MAJORITY OF THE COMMISSIONERS CONSTITUTES A QUORUM. THE BOARD OF COUNTY COMMISSIONERS SHALL FILE WITH THE CLERK A CERTIFICATE OF THE APPOINTMENT OR REAPPOINTMENT OF ANY COMMISSIONER, AND SUCH CERTIFICATE IS CONCLUSIVE EVIDENCE OF THE DUE AND PROPER APPOINTMENT OF SUCH COMMISSIONER. A COMMISSIONER RECEIVES NO COMPENSATION FOR HIS OR HER SERVICES, BUT IS ENTITLED TO THE NECESSARY EXPENSES, INCLUDING TRAVELING EXPENSES, INCURRED IN THE DISCHARGE OF HIS OR HER DUTIES.

(c) WHEN THE OFFICE OF THE FIRST CHAIRMAN OF THE AUTHORITY BECOMES VACANT AND ANNUALLY THEREAFTER, THE AUTHORITY SHALL SELECT A CHAIRMAN FROM AMONG ITS MEMBERS. AN AUTHORITY SHALL SELECT FROM AMONG ITS MEMBERS A VICE-CHAIRMAN, AND IT MAY EMPLOY A SECRETARY, WHO SHALL BE EXECUTIVE DIRECTOR, TECHNICAL EXPERTS, AND SUCH OTHER OFFICERS, AGENTS, AND EMPLOYEES, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE, AND IT SHALL DETERMINE THEIR QUALIFICATIONS, DUTIES, AND COMPENSATION. AN AUTHORITY MAY CALL UPON THE MUNICIPAL COUNSEL OR CHIEF LEGAL OFFICER OF THE COUNTY FOR SUCH LEGAL SERVICES AS IT MAY REQUIRE, OR IT MAY EMPLOY ITS OWN COUNSEL AND LEGAL STAFF. AN AUTHORITY MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES SUCH DUTIES AS IT DEEMS PROPER.

(2.5) WHEN THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 31-25-115(1), AN AUTHORITY CONSISTS OF THE SAME NUMBER OF COMMISSIONERS AS THE NUMBER OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS. IN ADDITION, IN ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA OTHER THAN THE COUNTY, ONE ADDITIONAL COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE ADDITIONAL COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA, AND ONE ADDITIONAL COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. IF THE NUMBER OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS CAUSES THE AUTHORITY TO HAVE AN EVEN NUMBER OF COMMISSIONERS, THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT AN ADDITIONAL COMMISSIONER TO RESTORE AN ODD NUMBER OF COMMISSIONERS TO THE AUTHORITY. AS APPLICABLE, THE APPOINTMENT OF THE COUNTY, SPECIAL DISTRICT, AND SCHOOL DISTRICT REPRESENTATIVES ON THE AUTHORITY PURSUANT TO THIS SUBSECTION (2.5) MUST BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

(3) NO COMMISSIONER, OTHER OFFICER, OR EMPLOYEE OF AN AUTHORITY NOR ANY IMMEDIATE MEMBER OF THE FAMILY OF ANY SUCH COMMISSIONER, OFFICER, OR EMPLOYEE SHALL ACQUIRE ANY INTEREST, DIRECT OR INDIRECT, IN ANY PROJECT OR IN ANY PROPERTY INCLUDED OR PLANNED TO BE INCLUDED IN ANY PROJECT, NOR SHALL HE HAVE ANY INTEREST, DIRECT OR INDIRECT, IN ANY CONTRACT OR PROPOSED CONTRACT FOR MATERIALS OR SERVICES TO BE FURNISHED OR USED IN CONNECTION WITH ANY PROJECT. IF ANY COMMISSIONER, OTHER OFFICER, OR EMPLOYEE OF AN AUTHORITY OWNS OR CONTROLS AN INTEREST, DIRECT OR INDIRECT, IN ANY PROPERTY INCLUDED OR PLANNED TO BE INCLUDED IN ANY PROJECT, HE SHALL IMMEDIATELY DISCLOSE THE SAME IN WRITING TO THE AUTHORITY, AND SUCH DISCLOSURE SHALL BE ENTERED UPON THE MINUTES OF THE AUTHORITY. UPON SUCH DISCLOSURE, SUCH COMMISSIONER, OFFICER, OR OTHER EMPLOYEE SHALL NOT PARTICIPATE IN ANY ACTION BY THE AUTHORITY AFFECTING THE CARRYING OUT OF THE PROJECT PLANNING OR THE UNDERTAKING OF THE PROJECT UNLESS THE AUTHORITY DETERMINES THAT, IN THE LIGHT OF SUCH PERSONAL INTEREST, THE PARTICIPATION OF SUCH MEMBER IN ANY SUCH ACT WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST. ACQUISITION OR RETENTION OF ANY SUCH INTEREST WITHOUT SUCH DETERMINATION BY THE AUTHORITY THAT IT IS NOT CONTRARY TO THE PUBLIC INTEREST OR WILLFUL FAILURE TO DISCLOSE ANY SUCH INTEREST CONSTITUTES MISCONDUCT IN OFFICE.

(4) THE BOARD OF COUNTY COMMISSIONERS MAY REMOVE A COMMISSIONER FOR INEFFICIENCY OR NEGLECT OF DUTY OR MISCONDUCT IN OFFICE BUT ONLY AFTER THE COMMISSIONER HAS BEEN GIVEN A COPY OF THE CHARGES MADE BY THE BOARD OF COUNTY COMMISSIONERS AGAINST HIM AND HAS HAD AN OPPORTUNITY TO BE HEARD

IN PERSON OR BY COUNSEL BEFORE THE BOARD OF COUNTY COMMISSIONERS. IN THE EVENT OF THE REMOVAL OF ANY COMMISSIONER, THE BOARD OF COUNTY COMMISSIONERS SHALL FILE IN THE OFFICE OF THE CLERK A RECORD OF THE PROCEEDINGS, TOGETHER WITH THE CHARGES MADE AGAINST THE COMMISSIONER AND FINDINGS THEREON.

30-20-14.5. Urban Renewal by Counties

(1) AN URBAN RENEWAL AUTHORITY DUELY CREATED PURSUANT TO THIS PART 15 SHALL EXCERSIZE ALL OF THE POWERS OF AN AUTHORITY SET FORTH IN SECTION 31-25-1 (THE "URBAN RENEWAL LAW), AS MAY BE AMENDED, AND SHALL OPERATE IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECTIONS 31-25-105 THROUGH 31-25-115, AS MAY BE AMENDED, AND THE COUNTY BOARD OF COMMISSIONERS SHALL FULLFILL THE OBLIGATIONS OF, AND EXCERSIZE ALL OF THE POWERS SET FORTH THEREIN BY, A MUNICIPALITY, MAYOR, AND / OR LOCAL GOVERNING BODY AS NECESSARY TO IMPLEMENT THE URBAN RENEWAL LAW SOLELY WITHIN THE UNINCORPORATED LANDS WITHIN THE COUNTY.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the publicpeace, health, and safety.

Approved: xxx, 2023