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### Authorizing the Election of Board of Trustees of Water Works in Cities of the First Class, Not Existing Under Special Charter.

Colorado General Assembly

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## CHAPTER 176.

## TOWNS AND CITIES.

## WATER WORKS—BOARD OF TRUSTEES.

(H. B. No. 24, by Mr. Keen.)

## AN ACT

AUTHORIZING THE ELECTION OF BOARD OF TRUSTEES OF  
WATER WORKS IN CITIES OF THE FIRST CLASS, NOT  
EXISTING UNDER SPECIAL CHARTER.

*Be it Enacted by the General Assembly of the State of Colorado:*

Cities of the  
first class.

Election of  
three trustees.

Duties.

On petition of  
one hundred  
electors.

Mayor issue  
call.

Section 1. That as soon as practicable after the passage of this act, the qualified electors of the cities of the first class, not existing under special charter, or any portion or district of cities of the first class, not existing under special charter, may elect, at a special election to be held for that purpose, three trustees to constitute a board to have the care, operation, management and control of water works now owned or hereafter acquired by the city, or any portion or district of said city; subject to the following conditions, to wit:

Sec. 2. The election of such board of trustees of water works shall be requested by a petition to be signed by at least one hundred of the qualified electors as shown by the poll list of the last city election, who are legal voters of the city, and reside in that part or district of the city for which the board of trustees may be asked. The petition shall be addressed to the mayor of the city, who shall thereupon issue a call for the election to be had in the manner prescribed in this act; and the duties of the board of trustees and the secretary thereof, as herein provided, in reference to elections shall

be performed by the mayor at the first election; there-after, elections to be held as herein provided.

Sec. 3. No person, not a resident and owner of realty within the said city for the period of at least two years next preceding his election, and residing in that portion or district of the city for which the board of trustees may be asked, shall be eligible to election, or be a trustee of said board. Candidates—qualifications.

Sec. 4. The regular election for electing trustees under the provision of this act, after the first election to be called by the mayor, shall be held biennially on the first Monday in June. Biennial elections. The secretary of said board of trustees shall cause written or printed notices to be posted, specifying the day and place of such election, and the time the ballot box shall be kept open, not less, however, than three hours. Election notices. Said notices shall be posted Posting notices. in at least three public places in the district, one of which shall be the office of said water works, at least ten days prior to the time of election, and said notice shall be published daily for ten days next preceding such election, in some daily newspaper published in such city. All elections shall be by ballot, and said ballot shall not contain any emblem or political device, or the name of any political party. The board of trustees may order more than one voting place, fix the voting places Fixing voting places. and the limits of the voting precincts, and appoint three (3) judges and necessary clerks for each voting place. Any person who may desire to be a candidate for the office of trustee, shall file a written notice of such intention with the secretary of the board of trustees at least ten days prior to the date of holding the election for trustee, and the secretary of said board shall for five (5) consecutive days preceding the day of said election, publish in some daily newspaper, the names of all candidates Publishing names of candidates. who shall have so filed notice of such intention; and the secretary shall also have printed ballots prepared, bearing the names of all candidates who have certified such intention, as aforesaid, printed thereon, and no other person other than those whose names appear upon the Preparation of ballots.

Challenging  
voter.

Oath.

Penalty for  
illegal voting.

Proviso—  
qualifications  
of electors.

Votes—how  
canvassed.

Special  
election.

Case of tie.

ballot so prepared shall be voted for. Any person offering to vote may be challenged by any legally qualified elector of the district, and any one of the judges shall thereupon administer to the person challenged an oath as follows: "You do solemnly swear (of [or] affirm) that you are a citizen of the United States, that you have resided in the state of Colorado one year immediately preceding this election; that you are twenty-one (21) years of age or over; that you have resided in this district six months next preceding this election; that you have not voted at this election and are a qualified elector under this act. If he shall refuse to take such oath or affirmation, his vote shall be rejected. Any person guilty of voting illegally shall be punished as provided in the general election laws of this state. The board of trustees shall designate the judges, and should any of the judges be absent at the opening of the polls, the electors present shall appoint a legal voter to fill the vacancy; Provided, however, That all elections held for voting upon a proposition to create or contract a debt by loan for the purpose of extending said water works, or for any purpose, only such qualified electors of the district shall vote thereat as shall have paid a city realty tax in such district for the year next preceding such election. Immediately after the closing of the polls, the judges shall proceed to count the votes, and shall certify the result thereof, and return the same together with the ballots to the secretary of the board of trustees, who shall canvass the same, and the person or persons qualified to be elected, who shall receive the largest number of votes, shall be declared elected. If for any cause, no election be held at the regular time, a special election shall be called by the board of trustees within thirty (30) days, and notice thereof given, as required in this act. A failure to give the prescribed notice of such special election shall render the election void. If upon counting the votes there be a tie, the result shall be determined by drawing lots.

Sec. 5. The first board of trustees elected in pursuance of this act shall be elected as follows, to wit: One for the period of two years, one for the period of four years, and one for the period of six years, and at the end of such term, elections shall be for a term of six years; the ballot at the first election shall designate the term for which the candidate is to be voted; said board shall constitute a body corporate, by the name and style, "The Trustees of the..... Water Works" (the name of the city to be inserted in said title), and be a party to all suits, proceedings and contracts the same as municipal corporations in this state; said board shall have control of all real estate owned, controlled by or hereafter acquired by the city, or any board of trustees or other body, used in connection with said water works in operating water works now existing, or hereafter constructed including mains, pipes, reservoirs, buildings, machinery, lands, leases and privileges of every kind belonging thereto, and property of every kind and description, and the title to the same shall vest in said board of trustees, and their successors in office, as trustees for the use and benefit of the city or district, and the inhabitants and property therein, supplied from said water works, and as soon as said board of trustees organizes it shall have all the power to manage, repair, control and extend, and all other powers in and about and over said property, and to exchange and extinguish the indebtedness growing out of the same, or now existing against said water works, as are at present possessed by any city of the first class, and a majority of the trustees shall be a quorum, and competent to bind the whole number by act and deed; Provided, however, That the question of contracting a bonded debt, or for funding floating or bonded indebtedness, shall be submitted to such qualified voters of the district as have paid a city realty tax therein in the year next preceding, a special election to be called to vote upon such proposition. Any existing board of trustees, board of control or other body, now operating and man-

Term of office.

Title of board.

Powers and duties.

Quorum.

Proviso.

Surrender by existing boards.

Secretary.

aging water works, immediately upon the members of the board of trustees herein provided qualifying, shall forthwith surrender and deliver to the board of trustees prescribed by this act, all books, papers, contracts, maps, plans, and property of every kind and description, and upon so doing said board of trustees, board of control or other body, shall cease and determine, and [the] board of trustees shall have power to employ a secretary at a salary of fifteen hundred dollars per annum.

Acts—how  
authorized.

Place of  
meetings.

Public  
inspection of  
records.

Member of  
board becoming  
candidate for  
other office.

Filling  
vacancies.

Compensation.

Bond.

Sec. 6. No members of the board of trustees shall have any authority to act on behalf of the board, except in pursuance of an order regularly made at a meeting of the board. No action of the board shall be binding unless authorized by a majority of the trustees at a regular meeting or a duly called special meeting thereof. Meetings of the board of trustees shall be held at the office of the water works, and shall be open to the public; a record of the meetings shall be kept by the secretary in a book provided for that purpose, which book, together with all contracts, maps, plans and documents relating to the management and operation of the water works shall be open to inspection of the public at reasonable hours. No member of said board shall be interested, directly or indirectly, in any contract relating to the water works, or in any contract providing for the expenditure of any money in relation thereto, and any such trustee shall be considered as vacating his office in the event of his violating or accepting the nomination, or becoming a candidate for any other public office. In the event of a vacancy by death, resignation or otherwise, the board shall fill said vacancy by electing some qualified person to fill the vacancy until the next election, at which time the vacancy shall then be filled for the balance of the unexpired term; trustees under this act shall receive compensation at the rate of \$500 per year for their services and each of said trustees shall enter into a bond of \$2,000. to the people of the district for the faithful performance of their duties and the proper

accounting of all moneys that may come into their hands as trustees.

Sec. 7. The said board of trustees shall, twice a year, upon the first days of June and December, make a full and complete statement in detail of all moneys collected and expended by it during the preceding six months, and of the condition of the water works under its control, which statement shall be published at least one time in a daily newspaper published in the county in which said water works are located.

Board make statement.

Sec. 8. The said board of trustees shall, each year, before the making by the city council of its annual appropriations, render a statement to the council of the estimated amount, to be raised by taxation, required by such board for the proper maintenance and care of said water works during the next succeeding fiscal year, and which shall be included in the levy fixed by the city council, upon the property in that portion or district of the city supplied by said water works.

Statement to city council for purposes of taxation.

Sec. 9. Before the people of any city, or part or district of any city, can avail themselves of the provisions of this act, the question to determine their wishes shall first be submitted to the qualified electors of said city or district, at a special election to be called by the mayor of said city, upon petition presented to him, signed by at least one hundred electors who are tax payers as shown by the poll-list of the last city election, and who reside in that part or district of the city for which the board of trustees may be asked; the time, place and manner of conducting said election to be stated in the call issued by the mayor, not less than one week, nor more than thirty days' notice of said election to be given by publication of this act for one week in some newspaper published in said city, and at said election the ballot shall be "For the board of Trustees" and "Against the Board of Trustees," and the electors shall designate their preferences for or against the creation of the board. In the event of said election being adverse to the creation of the board of trustees, as herein provided, no further ac-

Conditions precedent to adopting the provisions of this act.

In case of failure to adopt.

tion can be taken under this act for a period of one year, and then only on petition as provided herein.

Emergency.

Sec. 10. In the opinion of the General Assembly an emergency exists; therefore, this act shall be in full force and effect from and after its passage.

Approved April 15, 1903.

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CHAPTER 177.

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TRUSTEES AND TRUST DEEDS.

CITY AND COUNTY OF DENVER.

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(H. B. No. 175, by Mr. Belford.)

AN ACT

TO PROVIDE THAT THE PUBLIC TRUSTEE OF THE CITY AND COUNTY OF DENVER PERFORM ALL DUTIES HERETOFORE PERFORMED BY THE PUBLIC TRUSTEE OF THE FORMER COUNTY OF ARAPAHOE UNDER THE TERMS OF DEEDS OF TRUST HERETOFORE EXECUTED TO THE PUBLIC TRUSTEE OF SAID ARAPAHOE COUNTY, WHERE THE PROPERTY COVERED BY SAID DEEDS OF TRUST IS NOW SITUATED IN THE CITY AND COUNTY OF DENVER.

*Be it Enacted by the General Assembly of the State of Colorado:*

Public trustee  
of city and  
county of  
Denver.  
Duties in  
relation to deeds  
of trust.

Section 1. The public trustee in and for the City and County of Denver now serving or hereafter appointed is hereby empowered to execute all powers and perform all duties heretofore executed or performed by the public trustee of the former County of Arapahoe, State of Colorado, in relation to all Deeds of Trust heretofore executed to the public trustee of said Arapahoe County where the property mentioned in said Deeds of Trust is now situated in the City and County of Denver.