

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER
BONVUE WATER AND SANITATION DISTRICT
APPOINTMENT OF BOARD OF DIRECTORS
FEBRUARY 21, 2023**

☐ For Information ☐ For Discussion/Board Direction ☒ Consent to
Place on Business/
Hearing Agenda

Issue: Appointment of Directors to the Bonvue Water and Sanitation District ("District") pursuant to Section 32-1-905 (2.5), C.R.S.

Background: The Bonvue Water and Sanitation District was organized by court order on February 6, 1961, in unincorporated Jefferson County. The District, now entirely located within the City of Lakewood (incorporated in 1969) provides water and sanitation services to citizens in the City of Lakewood. The Colorado Division of Local Government ("DOLA") considers the District's Board of Director positions to be vacant based on how the District conducted past Board elections. Under Section 32-1-905 (2.5), C.R.S., if there are no duly elected directors, the board of county commissioners of the county which approved the organizational petition for the district may appoint all directors.

Discussion: Because the District's Board positions are deemed vacant, there is no existing District Director capable of appointing the remaining Directors to serve on the District Board until the next regular election in May, 2023. Pursuant to Section 32-1-905 (2.5), C.R.S., and to prevent the interruption of water and sanitation services, the District requests that the Board of County Commissioners to appoint the following individuals to the

District's Board of Directors: Casey Beckett, President; Kim Cooley (Kimie Sue), Treasurer; Ed Zimbleman, Board Member; Cathy Kentner, Secretary.

The appointed Directors would serve until the May 2023 election when the District could next elect Directors pursuant to state law. The appointment of the Directors by the BCC enables the District's Board to call a valid election.

The District is wholly within the City of Lakewood. Thus, once the District has a Board of Directors, the District intends to petition the City of Lakewood under Section 32-1-204.7, C.R.S., requesting that the Lakewood City Council accept designation as the approving authority for the District. Such designation would empower the Lakewood City Council to exercise those authorities vested in the approving authority under Title 32, C.R.S., with respect to the District. If the City of Lakewood accepts the District's petition and becomes the approving authority, the City of Lakewood and not Jefferson County would have the authority to appoint the District's Board of Directors, should similar vacancy circumstances occur in the future.

Fiscal Impact: None.

Revenue Limits Impact: ☐yes ☒no

SPA Review: Support, no concern and no fiscal impact

Facilities Review: N/A

BIT Review: N/A

Fleet Review: N/A

Human Resources Review (new FTE only): N/A

Recommendation(s): Appoint the following individuals to the Board of Directors for the Bonvue Water and Sanitation District: **Casey Beckett, President; Kim Cooley (Kimie Sue), Treasurer; Ed Zimbleman, Board Member; Cathy Kentner, Secretary,** pursuant to Section 32-1-905 (2.5), C.R.S., by resolution at a public meeting.

Originator: Carey Markel, County Attorney's Office

Contacts for Additional Information: Kristin Cisowski, County Attorney's Office