

Law Offices  
ALBIN ANDERSON  
Grand Junction, Colorado  
81501

303 243-3449  
640 Grand Avenue

October 4, 1974

Re: Mesa County Sanitation System

Dear Maxine, Ed and Fuzzy:

This letter will supplement the remarks I made before you over at your meeting on Monday afternoon, September 30, 1974.

Ed raised several questions on delicate matters, viz., did the Board have to submit the creation of the districts or projects to the voters and were any debts created, the debts of the whole County.

Each of you has a summary of the law and also the law set forth in Chapter 36, Article 29, Section 1 through 22. You will observe that it relates to Sewer and Water Systems. Section 36-29-2 which sets forth an extended recitation of powers that you have as a Board, introduces the section by the following:

"Powers. (1)(a) In addition to the powers which it may now have, any county without any election of the qualified electors thereof shall have power under this article: . . ."

Thus, you do not need to submit any of your action under this chapter to the vote of the people.

I refer you to Section 36-29-8 to remind you that there is no County liability on any bonds issued to construct any water or sewer project under the Act. The bonds are paid out of revenues from the water and sewer districts created by you and, consequently, the users in the various districts are the ones who are obligated to pay the bonds and interest.

At the meeting, Dick Mandeville stated that he didn't think the Board should get into the business of collecting sewage. I have known Dick Mandeville since about 1956 when I was the attorney to organize the Ute and Western Engineers was brought in to do the engineering work. They did a very fine job and Dick and I formed a very warm professional friendship. In 1970 when I went out and raised money privately to start a study on sewers for the County, it was I who engaged the services of Western Engineers to make the study. The study was completed in the spring of 1972 and was put on the back-burner at that time because it was the policy of the Nixon

Administration to refuse to expend any substantial part of \$11 billion which Congress had appropriated for water pollution control during f.y. (fiscal year) 1972 and 1973. As you may remember, in January, 1973, I appeared before you and secured the permission of the Board to pursue in the name of the Board some further action in seeking to move forward with the plan for sewers under the control of the County. This renewed activity was prompted by the realization that the Legislature had spelled out in great details the power and authority of county commissioners to get into the sewer business, the fact that the energy crisis was turning the spotlight on Western Colorado as a source of energy from coal and oil shale and by the fact that early rumblings of an oil shale boom were being heard. I proceeded to form an ad hoc committee of persons whom we believed could help me determine the need for sewers in Mesa County and to secure state and federal help for the necessary projects. The Committee did help secure the appropriation of \$30,000 from the Four Corners Commission and the County Commissioners of Mesa County to underwrite the present report being prepared by Western Engineers.

We get back to the remark of Dick Mandeville the other day that he didn't believe the County Commissioners should get into the business of collecting sewage. I feel sure that our present Board is as qualified and competent to be entering into the business of collecting and treating sewage as is the Grand Junction City Council. Besides, we have had a Mesa County Road Department for many years and you and your predecessors have supervised the construction and maintenance of many more miles of highway than there ever will be miles of sewer lines.

Under our scheme of democratic government, the people repose their confidence and powers in the hands of duly elected officials, councilmen in the cases of cities and towns and commissioners in the case of counties, to choose qualified people and to assemble competent staffs to whom they can delegate the execution of the power to promote the health, welfare and safety of the people in the precincts. It is as simple as that.

Each of you has a copy of the statute outlining the authority that the commissioners have with reference to water and sanitation districts. I hope the Board will take action soon to exercise its full authority before the settled portions

of the County are further fragmented by neighborhood districts so that finally only the fragmented segments of our various neighborhood areas remain for someone to provide sanitation facilities at a much greater expense than if the areas had been part of an overall valley-wide approach to the problem. One has only to stop to consider what has happened in West Orchard Mesa where the core of the thickly settled portion of that area has been taken over and annexed by Grand Junction leaving the horseshoe fringes of that residential area in a position where they can secure sanitary services at the much greater expense that is the experience of thinly settled areas. If the formation of the Ute Water Conservancy District had been delayed much beyond the actual formation and construction dates, it is unlikely that the thinly settled portions of this lower valley would have been able to finance the construction of the Ute District that we have today.

If any of you have any further questions you desire to have me answer, I am as close to you as your telephone.

Yours very truly,



Albin Anderson  
Attorney for  
Mesa County Sanitation System

AA/s

P.S. It is obvious that the State Legislature had confidence in the ability of county commissioners to organize and supervise water and sanitation departments; otherwise, they would not have enacted the legislation. The Legislature assumed that all Boards of County Commissioners are qualified and competent in this respect because there is no restriction of any kind based upon the geographic size of any county or its population.