TOWN OF NEW CASTLE, COLORADO
Resolution No. TC-2016-18

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL AUTHORIZING THE COORDINATION OF THE NOVEMBER 8, 2016 ELECTION WITH GARFIELD COUNTY, APPROVING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE SAME, AND SETTING FORTH OTHER DETAILS RELATING THERETO.

WHEREAS, the Town of New Castle (the "Town"), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter; and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, Article II, Section 2.1 and 2.6 of the Town Charter provides that Town elections shall be governed by the Colorado municipal election law; and

WHEREAS, Section 31-10-102.7, C.R.S., of the Colorado Municipal Election Code provides that a municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992; and

WHEREAS, the County Clerk and Recorder (the "County Clerk") in Garfield County (the "County") will conduct the election on November 8, 2016, as a coordinated election (the "Election"); and

WHEREAS, the Council wishes to submit to the registered electors of the Town certain candidates for local office and certain ballot questions including those certified in Resolution Nos. 2016-14 and 2016-15; and

WHEREAS, the Town Council wishes to hold a mail ballot election regarding said candidates and questions on November 8, 2016, in conjunction with the Election being conducted by the County; and

WHEREAS, pursuant to the Colorado Constitution Article XIV, Section 18(2)(a), and C.R.S. §§ 29-1-203 and 1-7-116(2), as amended, the Town and the County Clerk are required to enter into an agreement to conduct a coordinated election; and

WHEREAS, the Intergovernmental Agreement attached hereto as Exhibit A ("IGA") regarding the conduct of the coordinated election has been received from the Clerk; and

WHEREAS, Section 14.4 of the Town Charter requires that all intergovernmental agreements be approved by ordinance or resolution; and

WHEREAS, pursuant to C.R.S 1-7-116(2), as amended, the agreement shall be signed no later than seventy (70) days prior to the scheduled election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof directed towards the Election and the objects and purposes herein stated are ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in Section 1-1-104, C.R.S.

Section 2. The Election shall be conducted as a coordinated election pursuant to the Uniform Election Code of 1992, as amended, specifically including the mail ballot procedures set forth in Article 7.5 of Title 1 of the Colorado Revised Statutes. The Election shall also be conducted in accordance with the provisions of the IGA that is hereby approved. The County Clerk shall be the Coordinated Election Official and shall conduct the election on behalf of the Town.

Section 3. The Council hereby appoints the Town clerk as its Designated Election Official for the purposes of the IGA, the Election, and the Uniform Election Code. The Town clerk or any other officer of the Town is hereby authorized to enter into the IGA or any other agreement with the Clerk pursuant to Section 1-7-116, C.R.S. Any intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 4. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 5. The clerk, officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 6. If any portion of this resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution. The Town

Council hereby declares that it would have passed this resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, APPROVED AND ADOPTED at a regular meeting of the Town Council of the Town of New Castle, Colorado on August 16, 2016.

TOWN OF NEW CASTLE TOWN COUNCIL

Art Riddile, Mayor

ATTEST:

Melody Harrison, Town Clerk

TOWN OF NEW CASTLE
GARFIELD
SEAL
COUNTY
COLORADO

STATE OF COLORADO)
)
COUNTY OF GARFIELD) SS.
)
TOWN OF NEW CASTLE)

I, Melody Harrison, the Town Clerk of the Town of New Castle, Colorado, do hereby certify:

1. That the foregoing pages are a true, perfect, and complete copy of the resolution (the "Resolution") adopted by the Town Council, constituting the governing board of the Town of New Castle (the "Town Council"), by vote had and taken at an open, regular meeting of the Town Council held at the Town Hall on August 16, 2016, as recorded in the regular book of official records of the proceedings of said Town of New Castle kept in my office.

2. That the Resolution was read by title, duly moved and seconded and the Resolution was approved by a majority of the members of the Town Council present at the regular meeting of the Town Council held at the Town Hall, on August 16, 2016, as follows:

Name	"Yes"	"No"	Absent
Art Riddile, Mayor	✓		
Bruce Leland, Mayor Pro Tem			✓
Mary Megzger	✓		
Graham Riddile	✓		
Grady Hazelton	✓		
Scott Owens	✓		

3. There are no bylaws, rules or regulations of the Town Council which might prohibit the adoption of said Resolution.

4 Attached hereto as Exhibit A is a copy of the notice of the meeting on August 16, 2016, which notice was posted in at least one place within the Town at least 24 hours before the meeting.

WITNESS my hand and the seal of said Town affixed this August 16, 2016.

TOWN OF NEW CASTLE GARFIELD COUNTY COLORADO SEAL

(SEAL)

Melody Harrison
Town Clerk

EXHIBIT A

(Notice of the Meeting of August 16, 2016)

Posted: _____
Remove: 8/17/16

Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone: (970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Agenda
New Castle Public Safety Committee
Tuesday, August 16, 2016, 6:00 p.m.

Agenda
New Castle Town Council Meeting
Tuesday, August 16, 2016, 6:30 p.m.

Starting times on the agenda are approximate and intended as a guide for Council.
The starting times are subject to change by Council, as is the order of items on the agenda.

Call to Order
Pledge of Allegiance
Roll Call
Meeting Notice
Conflicts of Interest
Agenda Changes

Citizen Comments on Items not on the Agenda

Consultant Reports
Consultant Attorney
Consultant Engineer

Items for Consideration

Recess Town Council, Convene as the Local Liquor Licensing Authority

A. Consider a Special Events Liquor License Application for Burning Mountain Festival (6:35 p.m.)

B. Consider an Application from Hogback Pizza for a Modification of Liquor Licensed Premises and Renewal of Beer & Wine License (6:45 p.m.)

Adjourn Local Liquor Licensing Authority, Reconvene Town Council

C. Discussion: Using Town-Owned Property to Stimulate Economic Activity (7:00 p.m.)

D. Consider Request for Assistance with Trail Work (8:00 p.m.)

E. Consider a Request to Rename Coal Ridge Park to Frank J. Breslin Park (8:15 p.m.)

F. Consent Agenda (8:30 p.m.)

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council Member or citizen requests it, in which case the item will be removed from the consent agenda.

Minutes of the July 19, 2016 council meeting
Minutes of the August 2, 2016 meeting
IGA with Garfield County for Election Services
New Castle Diner Hotel & Restaurant Liquor License Renewal
Hacienda El Patron Hotel & Restaurant Liquor License Renewal
Resolution TC-2016-16 – Supporting a GFMLD Mini-Grant Application
Resolution TC-2016-17 – Supporting a GFMLD Traditional Grant Application

G. Discussion: Vacant Council Seat (8:35 p.m.)

Staff Reports (8:45 p.m.)

Town Administrator
Town Clerk
Town Planner
Public Works Director

Commission Reports (8:55 p.m.)

Planning & Zoning Commission
Historic Preservation Commission
Climate Action Advisory Committee
Senior Program
RFTA
AGNC
GCE

Council Comments (9:05 p.m.)

Adjourn (9:20 p.m.)