

**TOWN OF NEW CASTLE, COLORADO**  
**Resolution No. TC-2017-13**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL  
AUTHORIZING THE COORDINATION OF THE NOVEMBER  
7, 2017 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 7, 2017, as a coordinated election (the "Election"); and

**WHEREAS**, the Council is considering whether to submit certain ballot questions to the registered electors of the Town and will make a decision and adopt the language for any such ballot questions prior to the deadline of September 8, 2017; and

**WHEREAS**, the Town Council wishes to hold a mail ballot election regarding said candidates and questions on November 7, 2017, 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.


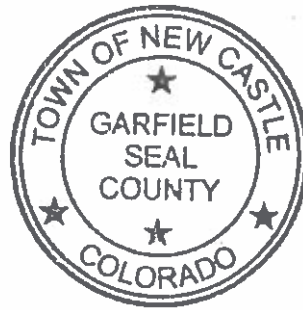
INTRODUCED, READ, APPROVED AND ADOPTED at a regular meeting of the Town Council of the Town of New Castle, Colorado on August 15, 2017.

TOWN OF NEW CASTLE TOWN  
COUNCIL



Art Riddile, Mayor

ATTEST:

  
Melody Harrison, Town Clerk

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 15, 2017, 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 15, 2017, as follows:

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

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 15, 2017, 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 15 2017.

*Melody Harrison, CMC*  
 Town Clerk

(SEAL)

**EXHIBIT A**

(Notice of the Meeting of August 15, 2017)



**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](http://www.newcastlecolorado.org)

Posted: 8-11-17  
Remove: 8/16/17

### **Agenda**

#### **New Castle Town Council Committee Meeting Tuesday, August 15, 2017, 6:30 p.m.**

1. Discussion: Burning Mountain Bakery

### **Agenda**

#### **New Castle Town Council Meeting Tuesday, August 15, 2017, 7:00 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**

-Comments are limited to three minutes-

#### **Consultant Reports**

Consultant Attorney  
Consultant Engineer

#### **Items for Consideration**

- A. Consider Ballot Language for Use Tax Issue (7:05 p.m.)**
- B. Consider Selecting a Name for the Lakota Sports Park (8:00 p.m.)**
- C. Solar Garden Discussion (8:15 p.m.)**
- D. Executive Session (1) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest under C.R.S. Section 24-6-402(4)(a); and (2) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) and concerning town-owned property (8:45 p.m.)**

## **E. Consent Agenda (9:15 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.

Resolution TC-2017-13 – Authorizing the November 2017 Coordinated Election

Ratification of Council Motion to Approve Authorization for the Mayor to sign a lease with CDOT for the Kamm Lot lease.

Thank you letters to BOCC and Rocky Mt. Youth Corps

Resolution TC-2017-14 – Supporting an FMLD Grant Application for Lakota Sports Park

Resolution TC-2017-15 – Supporting an FMLD Mini Grant Application for Comm Center Improvements

Resolution TC-2017-16 – Supporting a Historic Society & Museum Ballot Question

## **Staff Reports (9:20 p.m.)**

Town Administrator

Town Clerk

Town Planner

Public Works Director

## **Commission Reports (9:30 p.m.)**

Planning & Zoning Commission

Historic Preservation Commission

Climate Action Advisory Committee

Senior Program

RFTA

AGNC

GCE

BEWG

## **Council Comments (9:40 p.m.)**

## **Adjourn (10:00 p.m.)**

INTERGOVERNMENTAL AGREEMENT CONCERNING ELECTION SERVICES

THIS INTERGOVERNMENTAL AGREEMENT ("IGA" or "Agreement") is made effective this 15 day of August, 2017, between the Garfield County Clerk and Recorder ("Clerk") and TOWN OF NEW CASTLE ("Public Entity"):

The Public Entity desires to conduct an election pursuant to its statutory authority ("Election"), The election will occur on November 7, 2017.

An agreement concerning the preparation, conduct and actual cost of a coordinated election is required. This agreement will be signed no later than August 29, 2017. C.R.S. §1-7-116(2)

The Clerk has agreed to perform the following coordinated election services in consideration of the performance by the Public Entity of its obligations and payment of costs and fees.

The Clerk has designated Pam Bunn, Election Supervisor, whose telephone number is (970) 384-3700 x 1770 as the "Contact Officer" to act as the primary liaison between the Clerk and the Public Entity for the purposes of the Election. The Contact Officer shall act under the authority of the Clerk.

The Public Entity has designated MELODY L. HARRISON, TOWN CLERK whose phone number is 970 984 2311 as its Designated Election Official ("DEO") The DEO shall act as the primary liaison between the Public Entity and the Clerk. C.R.S. §1-1-104(8)

If the Public Entity encompasses territory within other counties, this Agreement shall apply only to that portion of the Public Entity within Garfield County.

NOW, THEREFORE, in consideration of their mutual promises contained herein, the parties agree as follows:

**I. Duties of the Clerk**

The Clerk agrees to perform the following duties, or such other duties as may be mutually agreed upon by the parties in writing, in connection with the Election:

**A. Preparation for the Election**

1. Provide the Public Entity a street locator file, which lists the street addresses located in the boundaries of the Public Entity within the Clerk's voter registration system.
2. Assist and inform the Public Entity on any matter that should ensure the efficient preparation and conduct of the Election. The Clerk shall not provide legal advice.
3. Manage all voter records and correspondence in accordance with Title 1 of the Colorado Revised Statutes and the Colorado Secretary of State Election Rules for the relevant year of the Election.
4. Supply, deliver and set up all necessary items for the conduct and preparation of the Election.
5. Certify the election judges and determine their compensation. Provide a list of election judges upon request by the Public Entity. Train election judges prior to the election, including specific instruction in the secure operation of the election equipment. C.R.S. §1-6-101(6), C.R.S. §1-6-104, C.R.S. §1-6-115
6. Provide, no later than twenty days before the Election, notice by publication of a Voter Service & Polling Center election. Such notice shall satisfy the publication requirement for all Public Entities participating in the Election. C.R.S. §1-5-205(1), C.R.S. §1-5-205(1.4)

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AUG 16 2017

BY: [Signature]



7. Conduct all required tests and audits of the voting system prior to and after the Election C.R.S. §1-7-509(1), Secretary of State Election Rules.
8. Establish backup procedures and a backup site for the counting of the Election, should the counting equipment or location become unavailable during the count. Secretary of State Election Rules
9. Negotiate an agreement for the printing of the official ballots. After receipt from the Public Entity of the certified ballot content (per Section II.A.8 of this Agreement), the Clerk shall provide a copy of the ballot layout for proofreading before authorization to begin printing of all ballots.

#### **B. Conduct of the Election**

1. Coordinate the proper number and location of Voter Service & Polling Centers. All Voter Service & Polling Centers will be accessible to electors with disabilities. Voter Service & Polling Centers and ballot drop off locations for the election are published on our website at: [www.garfield-county.com](http://www.garfield-county.com). C.R.S. §1-5-101, C.R.S. §1-5-102.9 C.R.S. §1-5-703
2. Provide for the security and processing of all mail-in ballots. Provide for the verification of signatures on the self-affirmation section on the return envelopes. C.R.S. §1-7.5-107.2, C.R.S. §1-7.5-107.3, C.R.S. §1-7.5-107.5
3. Facilitate special accommodations for all registered military and overseas citizens as provided by the Uniform Military and Overseas Voter Act. Section 8.3 of Title 1 of the Colorado Revised Statutes
4. Provide provisional ballots to electors who qualify. Provide a telephone number that provisional voters may call to inquire if their provisional ballot counted. C.R.S. §1-8.5-101, C.R.S. §1-8.5-101, C.R.S. §1-8.5-104(6)
5. Provide properly trained personnel for the preparation and conduct of the Election. Provide personnel at the tabulation center on Election Day/Night to release unofficial results.
6. Preserve all Election records for at least twenty-five months after the election. C.R.S. §1-7-802, Clerk and Recorder Record Retention Policy
7. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount or if a recount is requested by an interested party. Section 10.5 of Title 1 of the Colorado Revised Statutes
8. Conduct a Canvass and Risk-Limiting Audit of the election to process, accept and tabulate the eligible military, cured, and provisional ballots. Verify the votes were accurate and voting equipment was working properly by conducting a risk-limiting audit of election results and through the Canvass Board. C.R.S. § 1-10-101, *et seq.*, C.R.S. § 1-10-201, *et seq.*, Secretary of State Election Rules.
9. Provide, maintain and operate the County's electronic voting machines and vote-counting equipment.
10. Notify eligible Property Owners of an election in their district and how they can make application for a mail ballot. C.R.S. §32-1-806, C.R.S. §1-5-304, C.R.S. §1-7-104

#### **C. Election Costs**

1. Keep an accurate account of all Election costs including, but not limited to, supplies, printing costs, legal notices, labor, postage and other expenses attributable to the Clerk's administration of the Election for the Public Entity.
2. Charge the Public Entity for its portion of the costs of the Election incurred by the Clerk for that Public Entity up to and including the date of cancellation of the Election or any additional costs related to removing Public Entity from ballot programming or publications.
3. Submit to the Public Entity an invoice for all expenses incurred under this Agreement within 60 days of the election.
4. The cost of any recount(s) will be charged to the Public Entity, or if more than one Public Entity is involved in the recount, the cost will be prorated among the participating Public Entities.

#### **D. TABOR Notice**

1. Prepare the TABOR Notice, if relevant. Article X Section 20 of the Colorado Constitution, Secretary of State Election Rules
2. Charge the Public Entity for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses shall be prorated among all Public Entities participating in the TABOR notice.
3. Mail to each elector within Garfield County who may be affected by certain TABOR ballot issues and eligible property owners the TABOR notice not less than thirty days prior to the election. The Clerk shall determine the least cost method for mailing the TABOR notice and address the TABOR notice to "All Registered Voters" at each address where one or more active registered voters of the Public Entity reside. Nothing herein shall preclude the Clerk from sending the TABOR Notice of the Public Entity to persons other than electors of the Public Entity if such sending arises from the Clerk's efforts to mail the TABOR Notice at least cost.
4. Provide a separate IGA with the Public Entity, Attachment 1, for Production of the Ballot Notice referred to as the TABOR Notice. This IGA must be signed by both parties by August 29, 2017.

## **II. Duties of the Public Entity**

The Public Entity shall perform the following duties in connection with the Election:

### **A. Preparation for the Election**

1. Post and/or publish any other legal notices required pursuant to relevant provisions of the Uniform Election Code of 1992 (C.R.S. Articles 1-13 of Title 1) or the Colorado Municipal Code of 1965, §31-10-101, *et seq.*, C.R.S., or Title 32, as amended, except as otherwise stated by this agreement.
2. Gather all necessary petitions, if applicable.
3. Be solely responsible for determining whether a ballot issue, question or candidate is properly placed before the voters.
4. Review the information contained in the street locator file and certify its accuracy, as well as any changes, additions or deletions to the file. The certification of the street locator file shall be made no later than September 1, 2017 at 5:00 p.m. to the Clerk. If the certification is not provided by the date specified

herein, the Clerk cannot guarantee accurate ballot styles nor be responsible for additional charges associated with address library errors resulting in incorrect ballot styles.

5. Provide the Clerk with a written notice that the Public Entity will participate in the Election in accordance with the terms and conditions of this Agreement.
6. Request the Property Owner's list from the Garfield County Assessor's office at least 40 days before the election. This list will be provided to the clerk at least 30 days before the election, but preferably by September 15, 2017. A supplemental list will be requested from the Garfield County Assessor's office 30 days before the election, by October 8, 2017, and will contain any names that have been made eligible and are eligible for a property owner's ballot since the previous list. This list will be provided to the Clerk by October 18, 2017. C.R.S. §1-5-304
7. Provide a certified copy of the ballot content, submitted as an email attachment to [eplace@garfield-county.com](mailto:eplace@garfield-county.com) in electronic media format, in the format requested below, at the earliest possible time and in any event no later than sixty days before the election, September 8, 2017 at 5:00 p.m. Ballot content (candidates, issues and questions) to be exactly in the order in which it is to appear and be printed on the ballot pages and sample ballots. The certified list of candidates, ballot issues and/or ballot questions shall be final and the Clerk will not be responsible for making any changes after the certification. C.R.S. §1-5-203(3)(a)
  - Microsoft Word '97 or a version of Microsoft Word able to be converted to Microsoft Word '97 for candidates and ballot issues and/or questions.
  - Ballot issues and/or ballot questions must also be submitted electronically in note pad. Contact Edna Place at 970-384-3700 x 1804 for instructions on submitting in this format.
  - Ballot issues or questions will provide the following options. Yes/For or No/Against
  - Ballot issue means a state or local government matter arising under section 20 of article X of the state constitution, as defined in sections 1-41-102 (4) and 1-41-103(4), respectively.
  - Ballot question means a state or local government matter involving a citizen petition or referred measure other than a ballot issue.
8. Provide audio pronunciation of all candidate's names. Proofread and approve the Public Entity's ballot content for printing within one business day of receipt from the Clerk. The Public Entity shall provide an e-mail address and designate a person to be available for proofing and approving ballot content for printing and audio files of pronunciation of candidates' names. Due to limited printing availability and time constraints, the Public Entity should provide contact information for someone who may be available from 8:00 a.m. to 5:00 p.m. from September 12 until September 15, 2017 or until final approval of printing of ballots has been reached. If no one representing the Public Entity is available and the printing timeline requires it, the ballot will go to print without Public Entity approval. The Clerk shall not be responsible for any errors or omissions as a result of the Public Entity's failure to proofread the ballot. The Clerk agrees to keep all contact personnel apprised of ballot printing status for all contacts, if available. The Public Entity has designated MELODY L. HARRISON, Town Clerk whose phone is 970 984 2311 and e-mail is mharrison@newcastle.colorado.org.
9. May provide person(s) to participate in ballot counting, recount and testing/auditing of voting equipment used in the Election. The Public Entity personnel may participate in various boards with personnel from the Clerk's office to ensure Public Entity's participation in each of the electronic vote tabulating procedures that shall be used.
10. May assign a representative to witness the canvass board's certification of the election. The canvass board will be made up by the representatives appointed by each major party.
11. Notify the Clerk if public entity is a municipality which has provided by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to the Election. A copy of said ordinance or resolution will

be provided to the Clerk. Where the Public Entity is a special district, within thirty days after the special district has been declared organized by the court, the Public Entity will transmit to the county clerk and recorder in each of the counties in which the Public Entity or a part thereof extends certified copies of the findings and the order of the court organizing said special district. C.R.S. §32-1-306

12. Notify the clerk in the event that the Public Entity resolves not to participate in the Election prior to the submission of ballot certification. After ballot certification day, the Public Entity which withdraws from participating in the election shall be liable for accrued election costs. The Public Entity shall provide notice by publication of the cancellation of the Election and a copy of the notice shall be posted in the office of the Clerk, in the office of the Designated Election Official (as defined in the Code) and, if the Public Entity is a special district in the office of the Division of Local Government. The Public Entity shall not cancel the election after the twenty-fifth day prior to the election, October 13, 2017. C.R.S. §1-5-208(2).

#### **B. Conduct of the election**

1. Immediately notify the Clerk of any Election contest that is initiated by the Public Entity and keep the Clerk apprised of the need to retain Election records for use in such a contest.

#### **C. TABOR Notice**

1. Be responsible for the additional costs associated with such TABOR Notice if notice is required on behalf of the Public Entity. (See also Section I.D.2 of this Agreement).
2. Collect and compile the TABOR Notice content in compliance with Article X Section 20 of the Colorado Constitution and any pertinent Rules. Article X Section 20 (3)(b)(v), C.R.S. §1-7-901, *et seq.*
3. Provide all content for the TABOR Notice to the Clerk 42 days before the day of the election. C.R.S. §1-7-904
4. Read, sign, and return the enclosed, if applicable, Attachment 1 which is the separate IGA for the production and mailing of the TABOR Notice. Must be signed by August 29, 2017 at 5:00 pm

### **III. Election Costs**

The minimum fee for election services is \$500.00.

1. Proportional share of costs are based on County expenditures relative to the Election, the number of electors per entity and/or space used on the ballot.
2. The Public Entity avers that it has sufficient funds available in its approved budget to pay its prorated Election expenses.
3. If it is determined that counting must be moved to an established backup site, all related costs shall be paid by the Public Entity (shared with any other Public Entity whose ballots are being counted during the Election in the timeframe using the backup procedures and site).
4. Upon receipt of the invoice, pay to the Clerk within thirty days the prorated fee. Contact Officer can be contacted for an estimated cost of participating in this coordinated election.
5. Public Entity will be responsible for any additional or unique election costs resulting from Public Entity delays and/or special preparations or cancellations relating to the Public Entity's participation in the Election.

#### IV. Additional Provisions

1. No portion of this Agreement shall be deemed to create a cause of action with respect to anyone not a party to this Agreement, nor is this Agreement intended to waive any privileges and/or immunities to the parties or of which their officers or employees may possess, except as expressly stated in this Agreement.
2. Time is of the essence under this Agreement. The statutory time frames or requirements of the Code, TABOR, and the Rules shall apply to the completion of any duties or tasks required under this Agreement. Failure to comply with the terms of this Agreement, statutory requirements, or Secretary of State Rules may result in consequences up to and including termination of this Agreement.

3. Expected Timeline.

August 3, 2017	Address Library Given to Public Entity
August 29, 2017	IGA Signed & Returned
September 1, 2017	Address Library Returned
September 8, 2017	Ballot Content Due to Clerk
September 12-15, 2017	Ballot Proofing
September 19 or 20,	Logic & Accuracy Test
September 26, 2017	TABOR Notice Content Due
October 6, 2017	TABOR Notice Mailed
October 16-20, 2017	Ballots Mailed
October 30, 2017	Begin Counting ballots
October 30, 2017	Voter Service & Polling Centers open
November 7, 2017	Election Day
November 20, 2017	Canvass (subject to change, but no later than Nov 24)

5. Allocation of Cost of the Election is at the Clerk's determination and shall be final.
6. The Clerk may enter into other substantially similar agreements with other Public Entities for the conduct of other elections simultaneously.
7. Venue for any dispute hereunder shall be in the District Court of Garfield County, Colorado.
8. Notices. Any and all notices required to be given by this Agreement are deemed to have been received and to be effective: (1) three days after they have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a fax/email was

received; to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To Clerk: Garfield County Clerk & Recorder  
Drop Off: 109 8<sup>th</sup> St., Suite 200 Glenwood Springs, CO 81601  
Mail: same as above  
Fax: 970-94701078  
Email: [pbunn@garfield-county.com](mailto:pbunn@garfield-county.com)

To Public Entity:

TOWN OF NEW CASTLE, TOWN CLERK

P.O. BOX 90

NEW CASTLE, CO 81647

970 984 2311

[mharrison@newcastle.colorado.org](http://mharrison@newcastle.colorado.org)

9. Term of IGA. The term of this IGA shall continue until all statutory requirements concerning the conduct of the election and the creation, printing, and distribution of the TABOR Notice, if needed, are fulfilled.
10. Amendments. This IGA may be amended only in writing, and following the same formality as the execution of the initial IGA.
11. In any event that any provision in this IGA conflicts with the Code or other statute, this IGA shall be modified to conform to such law. No resolution of either party to this Agreement shall impair the rights of the Clerk or the Public Entity hereunder without the consent of the other party to this Agreement.
12. The Parties hereto understand and agree that the County, its commissioners, officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of the Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act (the CGIA), §24-10-101 to 120, C.R.S., or otherwise available to the County or the Public Entity. To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the County and the Public Entity agree that they will remain liable for their independent obligations under the CGIA, and neither party shall be the agent of the other or liable for the obligations of the other.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon the date first above written.

Garfield COUNTY, COLORADO  
CLERK AND RECORDER

Date: 8/24/17

Jean M Alberico  
Jean M. Alberico

PUBLIC ENTITY:

NAME OF PUBLIC ENTITY:

Date: August 15, 2017

Town of New Castle  
By: [Signature]

970 984-2311  
Public Entity phone number

Mayor  
Title of Authorized Representative signing on



ATTACHMENT 1

RECEIVED  
AUG 16 2017

PRODUCTION OF "AMENDMENT 1 NOTICE" (TABOR NOTICE)  
FOR 2017 GENERAL ELECTION IGA

BY: \_\_\_\_\_

WHEREAS, the County Clerk and Recorder of Garfield County, Colorado ("County Clerk") and TOWN OF NEW CASTLE ("Political Subdivision"), (collectively, the "Parties"), have entered into an intergovernmental agreement to cooperate and contract for the purpose of conducting a coordinated election; and

WHEREAS, Const. Colo. Art. X, Sec. 20 ("TABOR") requires the production of a mailed notice of the ballot issues to be determined for the Political Subdivision that are subject to the requirements of said constitutional section ("TABOR Notice"); and

WHEREAS, the TABOR Notices of several jurisdictions are to be sent as a package where jurisdictions overlap ("TABOR Notice Package"); and

WHEREAS, the need to produce the TABOR Notice Package requires that there be countywide coordination of its production and mailing to effectuate the purposes of said constitutional section; and

WHEREAS, the Parties desire to set forth their respective responsibilities in the production and mailing of the TABOR Notice Package.

NOW THEREFORE, the Parties agree as follows:

1. The County Clerk shall perform the following services and activities for the Political Subdivision's election:

a. Determine the "least cost" method for mailing the TABOR Notice Package and determine the Political Subdivision's proportional share of the total cost.

b. Combine the text of the TABOR Notice produced by the Political Subdivision with those of other districts to produce the TABOR Notice Package.

c. Address the package to "All Registered Voters" at each address of one or more active registered electors residing within the Political Subdivision boundaries or to each postal patron. Nothing herein shall preclude the County Clerk from sending the TABOR Notice of the Political Subdivision to persons other than electors of the Political Subdivision if doing so arises from the County Clerk's efforts to mail the TABOR Notice Package at "least cost".

d. Determine the order in which the TABOR Notice submittal of the Political Subdivision and those of other jurisdictions, if any, shall be placed in the TABOR Notice Package, provided, however, that the materials supplied by the Political Subdivision shall be kept together as a group and in the order supplied by the Political Subdivision.

e. Mail the TABOR Notice Package, addressed as required by law, at least 30 days before the election to registered electors residing within the Political Subdivision boundaries.

f. Mail copies of the TABOR Notice Package to registered electors residing outside of the Political Subdivision who own property within the Political Subdivision boundaries.



**Attachment 1 - TABOR NOTICE - Page 2 of 3**

g. Refer inquiries, correspondence, and calls concerning the substance of the ballot issues and ballot questions or the operations of the Political Subdivision to such person designated as the Election Officer by the Political Subdivision.

h. Write, print, and incorporate any notice to be included in the TABOR Notice Package that may inform the elector of the polling place or that may provide other information as may be required by law.

i. Provide the Political Subdivision an itemized statement of the costs of performing the tasks performed by the County Clerk hereunder.

2. The Political Subdivision shall perform the following services and activities for the Political Subdivision's election:

a. Designate an "Election Officer" to act as liaison between the Political Subdivision and the County Clerk.

b. Determine the ballot issues to be voted upon at the election.

c. Include, within its TABOR Notice, ballot titles in this order of preference: "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE."

d. Inform the County Clerk of any voter-approved additions to the TABOR Notice for the Political Subdivision and incorporate such additions into the TABOR Notice supplied to the County Clerk.

e. Designate a person ("Election Officer") to be available to respond to inquiries, correspondence, and calls concerning the substance of the ballot issues or the operations of the Political Subdivision. The Political Subdivision shall communicate this designation to the County Clerk at the time of certification of the ballot content. The Election Officer shall be reasonably available to the County Clerk and shall within a reasonable time reply to the originator of all such inquiries, correspondence, and calls.

f. Determine the ballot title and text in accord with TABOR.

g. Prepare the layout of the TABOR Notice for the Political Subdivision in accord with TABOR.

h. Summarize written comments concerning ballot issues following receipt of such comments received from the public and provide summaries for use in the TABOR Notice as required by TABOR.

i. Provide the Political Subdivision's completed TABOR Notice to the County Clerk on or before the 42<sup>nd</sup> day preceding the election and provide the number of eligible electors outside of the Political Subdivision boundaries.

j. For Title 32 Districts, mail the TABOR Notice by the notice deadline to each address of one or more active registered electors who reside outside of the Political Subdivision.

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k. Perform such acts as may be required by law, including circulation, approval, review, and all other activities, relating to any petition that may concern the Political Subdivision. The Election Officer shall interact with any Political Subdivision petition representatives, including but not limited to, working to ensure that the Election Officer receives the summary of written comments for their petition within the time required by law.

l. Pay the costs shown in the itemized statement provided by the County Clerk either directly to the County Clerk or to such vendors or subcontractors as the County Clerk may designate.

IN WITNESS WHEREOF, the Parties hereto have executed this Attachment 1 to be effective the 15 day of AUGUST, 2017

POLITICAL SUBDIVISION:

Town of New Castle

GARFIELD COUNTY CLERK

[Signature] Mayor  
Authorized Signature, Title

[Signature]  
Jean M. Alberico, County Clerk

ATTEST:

[Signature]  
Secretary

