

## CITY OF ALAMOSA, COLORADO

### RESOLUTION NO. 7, 2010

A RESOLUTION CALLING A SPECIAL ELECTION ON AUGUST 10, 2010, TO DETERMINE THE EFFECTIVENESS OF ORDINANCE NO. 4-2010, WHICH AUTHORIZED A LEASE PURCHASE FINANCING FOR CONSTRUCTION OF A NEW MUNICIPAL COMPLEX, AND DETERMINING THE BALLOT TITLE AND TEXT OF THE BALLOT QUESTION TO BE SUBMITTED AT SUCH ELECTION

WHEREAS, the City Council (the "City Council") of the City of Alamosa, Colorado (the "City") has received a petition for the repeal of City of Alamosa Ordinance No. 4-2010; and

WHEREAS, Ordinance No. 4 - 2010 approved documents and established maximum parameters for a lease purchase financing of a municipal complex facility including a new city hall and library, and renovation of the current city hall/library/fire department building for police and fire use; and

WHEREAS, the City Council has considered repeal of Ordinance No. 4-2010 and determined not to repeal the Ordinance but instead to submit the question of whether it shall become effective at a special election of the registered electors in the City; and

WHEREAS, the City Council has determined that a ballot question determining the effectiveness of Ordinance No. 4 - 2010 should be submitted to the registered electors of the City; and

WHEREAS, Ordinance No. 2 - 1993, of the City of Alamosa, Colorado, codified at *Code of Ordinances of the City of Alamosa* Section 5-9, authorizes the City to utilize the requirements and procedures of the *Uniform Election Code of 1992*, Article 1 to 13 of Title 1, C.R.S, in lieu of the *Municipal Election Code of 1965*, and as an alternative thereto; and

WHEREAS, said Ordinance 2 – 1993 enables the City to determine on an election-by-election basis whether to utilize the *Uniform Election Code of 1992*, and to make such determination by resolution; and

WHEREAS, the City Council has determined that is in the best interest of the City to conduct a coordinated election with the Alamosa County Clerk pursuant to the *Uniform Election Code of 1992*, for a special election to be scheduled for August 10, 2010.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Alamosa, Colorado:

1. A special election shall be held on Tuesday, August 10, 2010, at which election there shall be submitted to the registered electors of the City a ballot question determining the effectiveness of Ordinance No. 4 – 2010. The ballot question shall be in substantially the following form:

**Ballot Title and Text of Ballot Question:**

Shall City of Alamosa Ordinance Number 4-2010, which authorizes the execution and delivery of a lease purchase and sublease agreement and other documents and actions in connection with financing the City's municipal complex project without raising taxes or instituting any new tax, become effective?

2. The City Clerk is hereby directed to act as the City's Designated Election Official and participate in the preparation for holding the special election as a coordinated election with the Alamosa County Clerk and Recorder; and to take all necessary actions to conduct the special election as a coordinated election with the Alamosa County Clerk and Recorder; and to take all necessary actions to conduct the special election in accordance with the *Uniform Election Code of 1992*, and all applicable laws.

3. The special election shall be conducted as a coordinated mail ballot election with Alamosa County pursuant to the *Uniform Election Code of 1992*. The election shall also be conducted pursuant to the provisions of the Intergovernmental Agreement (the "Intergovernmental Agreement") between the City and the Alamosa County Clerk and Recorder, concerning the conduct of the election as a coordinated mail ballot election under the *Uniform Election Code of 1992*.

4. The Mayor or Mayor pro-tem is hereby authorized and directed to execute and deliver the Intergovernmental Agreement with Alamosa County for and on behalf of the City. The Alamosa County Clerk and Recorder is hereby designated to act as the City's agent for the purposes of completing the tasks to be performed by the County Clerk on behalf of the City under the Intergovernmental Agreement.

5. All acts required or permitted by the *Uniform Election Code of 1992* relevant to voting by early voters' ballots, absentee ballots, emergency absentee ballots, and provisional ballots which are to be performed by the designated election official, shall be performed in the City's special election by the Alamosa County Clerk and Recorder.

6. For purposes of § 1-11-203.5, Colorado Revised Statutes, the ballot title for the ballot question contained in this Resolution is hereby determined to be the text of the ballot question itself.

7. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution in accordance with Colorado law.

8. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the City Council and the officers and employees of the City, directed toward holding the special election for the purposes stated herein are hereby ratified, approved and confirmed.

9. All prior resolutions or orders, or parts thereof, by the City Council in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any resolution or order, or part thereof, heretofore repealed.

10. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

READ, PASSED AND ADOPTED this 2<sup>nd</sup> day of June, 2010.

\_\_\_\_\_  
Kathleen Rogers, Mayor

Attest:

\_\_\_\_\_  
Judy A. Egbert, City Clerk

INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE COUNTY CLERK AND RECORDER OF ALAMOSA COUNTY  
AND  
THE CITY OF ALAMOSA

RE: Responsibilities for conducting the Coordinated Primary Election and City of Alamosa  
Special Election to be held August 10, 2010

By this Intergovernmental Agreement concerning responsibilities for the August 10, 2010, Primary Election, executed on the date last recorded below, between the undersigned Alamosa County Clerk and Recorder, hereafter referred to as the "County Clerk", and the City of Alamosa, a Municipal Corporation of the State of Colorado, hereafter referred to as "City", collectively as the "Parties", the Parties agree to cooperate and contract for the purpose of conducting the Primary Mail Ballot Election and the City of Alamosa Special Election.

WHEREAS, Pursuant to Colorado Constitution Article XIV, Section 18(2)(a), and Section 29-1-203, C.R.S., as amended, the County Clerk and the City may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each, and any such contract may provide for the sharing of costs, the imposition of taxes, and incurring of debt; and

WHEREAS, this agreement supplements and does not in any way replace any responsibilities in the conduct of the election required by statute or rule on the part of the Parties;

NOW THEREFORE, the Parties agree as follows:

1. THE COUNTY CLERK SHALL PERFORM the following services and activities for the City's election:
  - a. Create the layout of the text of the ballot in a format that complies with the law.
  - b. Arrange for the printing, and have printed, all official ballots. In consultation with the City's Election Officer, the County Clerk will order the number of ballots reasonably expected to be required to be printed. At the option of the County Clerk, the City's proportional share of the actual cost of ballot printing may be billed directly by the printer or by the County Clerk to the City.
  - c. Appoint, provide written materials to as required by law, train, and pay a sufficient number of qualified Election Judges. The Election Judges for the City's Election shall be the same persons as are employed for elections held by other jurisdictions.
  - d. Perform all services necessary for absentee and early voting in the City's Election.
  - e. Supervise, administer and provide the necessary facilities for voter registration.

- f. Create voter registration lists and or signature cards for the City's Election. Printed computer lists of all registered electors within the specific jurisdiction for use in conjunction with petition verification will be provided at a cost of \$25.00 plus \$.01 per name to the City.
- g. Provide all necessary equipment, forms and personnel to conduct the City's Election.
- h. Conduct and oversee the process of counting the ballots and reporting the results.
- i. Appoint, instruct, and otherwise oversee the board of canvassers.
- j. Certify the results of the City's Election within the time required by law and forthwith provide the City with a copy of all Election statements and certificates which are to be created under the Election Code.
- k. Store all voted ballots for a minimum of six (6) months and all signature cards of electors who cast ballots at the election for a minimum of twenty-five (25) months, and all other materials required by the Election Code to be saved for twenty-five (25) months in such a manner that they may be accessed by the City, if necessary, to resolve any challenge or other legal questions that might arise regarding the City's Election.
- l. Provide a local election office address and telephone number for the City and notify the City of the address and telephone number by 45 days prior to the election. The local election office and telephone shall be open during the County Clerk's regular business hours. The County Clerk shall respond to all correspondence and calls that the County Clerk receives within its expertise relating to election procedures, but shall refer calls concerning the substance of the ballot issues and ballot questions or the operations of the City to the person designated by the City pursuant to Section 2(f) of this document.
- j. Designate a "Contact Officer" with the specific duty of coordinating with the City. The oversight functions shall not preclude the Contact Officer from assisting with the elections of other jurisdictions or from performance of other tasks as delegated by the County Clerk or required by statute or rule.
- k. The County Clerk shall keep a careful and accurate accounting of all chargeable items to the City and shall submit a statement of charges for costs incurred by the County and not billed directly to the City by an outside vendor.
- l. The County Clerk shall charge the City on a prorated basis based on the number of eligible voters within the county and the number of ballot issues and or items to be included on the ballot.
- m. Prepare and publish Legal Notices of the Election as required by law.

2. THE CITY SHALL PERFORM the following services and activities to assure the production and mailing of the notice of City issues with consultation with the Contact

Officer as is deemed necessary by the County Clerk, hereunder.

- a. Designate the County Clerk as the City's agent for the purposes of completing the tasks to be performed by the County Clerk on behalf of the City under this agreement.
- b. Designate an "Election Officer" to act as liaison between the City, the Contact Officer, and the County Clerk.
- c. Determine the City-wide ballot issues to be voted upon at the election.
- f. Respond to inquiries as follows: The County Clerk shall respond to all correspondence and calls within its expertise relating to election procedures. The County Clerk and Contact Officer shall refer correspondence and calls concerning the substance of the ballot issues or the operations of the City to a person designated by the City to the County Clerk at least 55 days prior to the election ("Election Officer"). The Election Officer shall be reasonably available to the County Clerk and shall reply to the originator of the substance and operations questions within a reasonable time after being notified of them by the County Clerk. The Election Officer shall refer correspondence and calls relating to election procedures which are outside of the Election Officer's expertise, to the Contact Officer for response.
- g. Determine the ballot title and text.
  - (1) Submit the English and Spanish text by e-mail to [mwoodward@alamosacounty.org](mailto:mwoodward@alamosacounty.org) and
  - (2) A printed text copy of the file in English and Spanish and translated into any other required languages on 8-1/2 x 11" paper, printed on one side only, in readable format.
- h. This submission may not be changed by the City following submission to the County Clerk without special written dispensation from the County Clerk, which dispensation may be withheld for any or no reason, and shall be provided to the County Clerk on or before June 11<sup>th</sup>, 2010.
- i. Perform any other acts which may be required by law, including circulation, approval, review, and all other activities, relating to any petition that may concern the City. The Election Officer shall interact with any City 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.
- j. Pay the City's proportional share of the costs of the election shown in the itemized statement provided to the City by the County Clerk either directly to the County Clerk or to the vendors or subcontractors as the County Clerk may designate.

3. CANCELLATION OF THE ELECTION BY THE CITY.

- a. In the event that the City, at some time after activation of this Agreement resolves not to hold the Election, then notice of such resolution shall be provided to the

County Clerk immediately. The City shall promptly pay the County Clerk the full actual costs of the activities of the County clerk relating to the election incurred both before and after the County Clerk's receipt of such notice. The City shall publish notice (as defined in the Election Code) of such cancellation in at least two newspapers of general circulation in Alamosa County. The County Clerk shall post notice of the cancellation in the office of the County clerk and the Election Officer shall post notice of the cancellation at all buildings of the City. The City shall not cancel the election after the 64th day prior to the Election.

In Witness Whereof, the Parties hereto have executed this Agreement to be effective on the last date noted below.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Melanie Woodward  
Alamosa County Clerk &  
Recorder

THE CITY OF ALAMOSA

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

ALAMOSA COUNTY  
ELECTION COSTS  
PRIMARY ELECTION 2010

Diebold Programming	\$4,500.00
DRE Programming	\$4,534.20
Election Judges	\$1,500.00
Canvass Board	\$ 120.00
Postage	\$4,000.00
Ballot Package	\$10,000.00
Publications	\$1,500.00
Totals	<hr/> \$26,234.00

Cost if figured by total number of active electors in all entities into cost of election, times number of active voters per entity.

City of Alamosa 4885@\$2.33	\$11,382.05
Alamosa County <u>6368@2.33</u>	\$14,837.44