

RESOLUTION NO. 08-25

INTRODUCED BY:

Councilperson Havercroft

Councilperson Dooley

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH
APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE
DOUGLAS COUNTY CLERK AND RECORDER AND THE CITY OF CASTLE PINES
NORTH REGARDING THE CONDUCT OF A COORDINATED ELECTION**

WHEREAS, the City Council of the City of Castle Pines North (the "City Council") intends to submit a question to a vote of the registered elections of the City in the state general election on November 4, 2008; and

WHEREAS, pursuant to Section 1-7-116(5), C.R.S., the City notified the Douglas County Clerk and Recorder in writing of its intent to participate in the November 4, 2008 election; and

WHEREAS, pursuant to Section 1-7-116(1), C.R.S., if more than one political subdivision holds an election on the same day in November and the eligible electors for each election are the same of the boundaries overlap, the county clerk and recorder shall conduct the elections on behalf of all political subdivisions; and

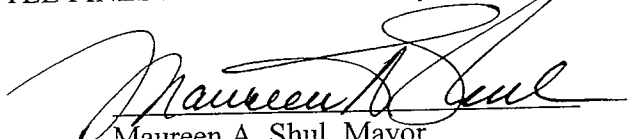
WHEREAS, Section 1-7-116(2), C.R.S., states that the political subdivisions for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder, which agreement shall be signed no later than seventy days prior to the election, or August 26, 2008; and

WHEREAS, the City Council wishes enter into such an agreement with the Douglas County Clerk and Recorder regarding the conduct of a coordinated election on November 4, 2008.

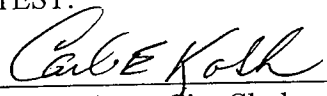
THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO:

The City Council hereby approves the Intergovernmental Agreement between the Douglas County Clerk and Recorder, substantially in the form attached hereto as **Exhibit A**.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH the 19th day of August, 2008.


Maureen A. Shul, Mayor

ATTEST:


Carl E. Kollmar, City Clerk

APPROVED AS TO FORM:

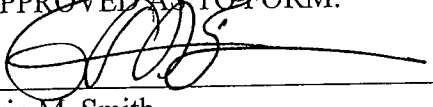

Erin M. Smith
City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT

BETWEEN

DOUGLAS COUNTY CLERK AND RECORDER

AND

CITY OF CASTLE PINES NORTH

Regarding the Conduct and Administration of the

**NOVEMBER 4, 2008
COORDINATED GENERAL ELECTION**

Prepared by:

Jack Arrowsmith
Douglas County Clerk and Recorder
301 N. Wilcox Street
Castle Rock, Colorado 80104
303-660-7444

INTERGOVERNMENTAL AGREEMENT

This Agreement is made by and between the Douglas County Clerk and Recorder (hereinafter referred to as "County Clerk") and the City of Castle Pines North (hereinafter referred to as the "Municipality"), concerning the administration and the conduct of the November 4, 2008, Coordinated General Election pursuant to Titles 1 and 31, C.R.S. regarding the conduct of the Coordinated General Election.

WITNESSETH

WHEREAS, pursuant to Section 29-1-201, C.R.S., as amended, the County Clerk and the Municipality shall enter into an agreement for the administration of their respective duties concerning the conduct of the Coordinated General Election to be held on November 4, 2008 ("Election"); and

WHEREAS, the County Clerk and the Municipality are authorized to conduct elections as provided by law; and

WHEREAS, the County Clerk will conduct the election as a "Coordinated General Election" as such term is defined in the Uniform Election Code of 1992, Title 1, C.R.S., as amended ("Code"), and the Current Rules and Regulations Governing Election Procedures adopted by the Secretary of State, as amended ("Rules"); and

WHEREAS, the Municipality has certain candidates, ballot issues and/or questions to present to its eligible electors and shall participate in this Coordinated General Election; and

WHEREAS, the County Clerk and the Municipality have determined that it is in the best interests of Douglas County, the Municipality and their respective inhabitants to cooperate and contract concerning the election upon the terms and conditions contained herein.

NOW, THEREFORE, for and in consideration of the promises herein contained, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

SECTION I PURPOSE AND ELECTION MATTERS

1.01. DEFINITIONS:

A. "Coordinated Election" means an election where more than one political subdivision with overlapping boundaries or the same electors holds an election on the same day and the eligible electors are all registered electors, and the County Clerk is the Coordinated Election Official for the political subdivision.

B. "Code" means any part of Title 1, C.R.S., or any other Title governing participating Municipality's election matters, as well as the Colorado Constitution.

C. "Jurisdictions" means those political subdivisions or local governments participating in the Coordinated General Election under the terms of this Agreement.

1.02. JOINT RESPONSIBILITIES

A. Coordinated General Election Official: The County Clerk shall act as the Coordinated General Election Official in accordance with the Code and Rules and as such shall conduct the election for the Municipality for all matters in the Code and the Rules which require action by the Coordinated General Election Official.

B. The County Clerk shall designate a "Contact Officer" to act as the primary liaison or contact between the Municipality and the County Clerk. The Contact Officer shall be that person under the authority of the County Clerk who will have primary responsibility for the coordination of the election for the Municipality and the procedures to be completed by the County Clerk hereunder.

C. The Municipality shall identify a "Designated Election Official" (hereinafter "DEO"), who shall act as the primary liaison between the Municipality and the Contact Officer and who will have primary responsibility for the conduct of election procedures to be handled by the Municipality hereunder. To the extent that the Code requires that an Election Official of the Municipality conduct a task, the DEO shall conduct same.

D. DEO shall familiarize themselves with all statutory and regulatory requirements impacting municipal elections.

E. Nothing herein shall be deemed or construed to relieve the County Clerk or the Municipality from their official responsibilities for the conduct of the election.

F. The Municipality shall provide the County Clerk with a copy of the ordinance or resolution stating that the Municipality will participate in the Coordinated General Election in accordance with the terms and conditions of this Agreement. The ordinance or resolution shall further authorize the presiding officer of the Municipality or other designated person to execute this Agreement.

1.03. MUNICIPALITYAL LIMITATION

A. The Municipality encompasses territory within Douglas County. This Agreement shall be construed to apply only to that portion of the Municipality within Douglas County.

SECTION II COUNTY CLERK/MUNICIPALITY RESPONSIBILITIES

The County Clerk and the Municipality shall each perform their respective duties and/or functions within the context of this Agreement:

2.01. ELECTION COST.

The County Clerk shall:

A. Charge the Jurisdiction for all expenses related to the Jurisdiction for the preparation and conduct of the election. Said expenses shall be pro-rated among all Jurisdictions participating in the Coordinated General Election, with such proration to be made based, in part, upon the number of persons registered to vote within each Jurisdiction involved in the Coordinated General Election, or Seven Hundred Fifty Dollars (\$750), whichever is greater. See Attachments A through C for pro-ration calculations of said charges.

B. Charge the Municipality participating in the Coordinated General Election for all actual costs of the election incurred by the County Clerk for that Municipality to the date of cancellation of its portion of the election.

C. Submit to the Municipality an itemized invoice for all expenses incurred under this Agreement and the Municipality shall remit to the County the total payment within thirty (30) days from the date of such invoice.

The Municipality shall:

A. Pay a proportionate share of all election expenses incurred by the County Clerk for the preparation and conduct of the election. All costs shall be subject to minimum and maximum general costs as set forth herein. Said reimbursement shall be pro-rated among all Jurisdictions participating in the Coordinated General Election. See Attachment A through C for pro-ration formulas of said charges.

B. Pay any additional or unique election costs resulting from Municipality delays and/or special preparations or cancellations relating to the Municipality's participation in the Coordinated General Election.

2.02. VOTER REGISTRATION.

The County Clerk shall:

A. Supervise, administer, and provide the necessary forms for registration at all voter registration sites within Douglas County, excluding Driver's License offices.

The Municipality shall:

No responsibilities noted.

2.03. MUNICIPALITY DESCRIPTION AND BOUNDARIES

The County Clerk shall:

- A. Provide the Municipality with an Address Library Report which defines Municipal boundaries in terms of residential street ranges based on Tax Assessor data.
- B. Require the Municipality to review the Address Library Report and identify any errors, omissions, and/or corrections to the residential street ranges used to define Municipal boundaries.
- C. Verify errors, omissions, and/or corrections identified by the Municipality against Tax Assessor data, and where appropriate, modify street ranges to accurately define the eligible electors within the Municipality.
- D. Use the Address Library Report to identify eligible electors within the Municipality.
- E. Require Municipality to identify proposed districts, not already identified by a tax authority code in the County Assessor's records, to provide the County Clerk's office with a certified legal description, map, and street list, identifying all street ranges for street addresses within the proposed districts no later than August 26, 2008. In the event residential addresses are not available, the proposed Municipality will be required to provide a list of the land parcel numbers which are within the boundaries of the proposed Council Wards.
- F. Require the Municipality to certify its accuracy, along with any changes, additions, or deletions that need to be made, to the Clerk and Recorder. If the street list information and/or certification are not provided by the date specified herein, the Municipality may not participate in the Coordinated General Election on November 4, 2008.

The Municipality shall:

- A. Review the Address Library Report provided by the Clerk and Recorder's office.
- B. Identify any errors, omissions, and/or corrections to the street ranges used to define Municipal boundaries, in writing, by close of business, August 26, 2008. In the event no errors, omissions, and/or corrections are submitted by the Municipality by close of business, August 26, 2008, the Address Library Report will be deemed to be a true and accurate depiction of Municipal and Council District boundaries.
- C. Confirm errors, omissions, and/or corrections in the Address Library Report against Assessor data.
- D. For Municipality and proposed Council Districts, provide the County Clerk's office with a certified legal description, map, and an address library, identifying the street ranges for all streets within the Municipality, no later than August 26, 2008. In the event residential addresses are not available, the proposed Municipality agrees to provide a list of the land parcel numbers that are within the boundaries of the proposed Municipality.

E. Provide Clerk and Recorder certification of Address Library - Verification Report including any errors, omissions, and/or corrections to the "block ranges" by the date specified herein along with a copy of the Address Library Report. In order for the Clerk and Recorder to provide correct ballots to electors, the information contained in the address library file must be accurate.

2.04. POLLING PLACES AND PRECINCTS

The County Clerk shall:

A. Establish precincts and designate polling places as the official precincts and polling places for the election.

B. Make available a list of confirmed polling places for the Jurisdiction and Special Districts no later than 90 days prior to the Election.

Coordinate the posting of all precinct/polling place signs no later than October 26, 2006, C.R.S. § 1-5-106. Each polling place sign shall state the type and date of the election, precinct number, and hours the polling place will be open.

The Jurisdiction shall: **No responsibilities noted.**

2.05. PETITIONS: PREPARATION AND VERIFICATION.

The County Clerk shall: **No responsibilities noted.**

The Municipality shall:

A. Approve or disapprove a petition as required by C.R.S. § 31-10-302. The DEO shall mail written notice of the action taken to the person who submitted the petition on the day the action is taken.

B. Review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records C.R.S. § 31-10-302. After review, the official shall notify the candidate of the number of valid signatures and whether the petition appears to be sufficient or insufficient. Upon determining that the petition is sufficient and after the time for protest has passed, the DEO shall certify the candidate to the ballot, and, if the election is a Coordinated General Election, so notify the Coordinated General Election Official.

2.06. BALLOT PREPARATION.

The County Clerk shall:

- A. Lay out the text of the official ballots in a format that complies with the Code and Rules.
- A. Provide ballot printing layouts and text for proofreading and signature approval by the Municipality.
- C. Certify the ballot content to the printer.
- D. Contract for "mail ballot packets" with a vendor acceptable to the County Clerk and remit payment directly to the vendor.

The Municipality shall:

- A. Certify to the County Clerk by September 5, 2008, the order of the ballot and ballot content which shall include the name and office of each candidate and any ballot issues or ballot questions to be submitted to the eligible electors both in hard copy and on CD. C.R.S. § 1-5-203(3) (a).
- B. Approve the ballot proof for only that portion identified as Municipality issues by signature approval to the County Clerk.
- C. Municipality is strongly encouraged to write initiatives in plain, non-technical language, worded with simplicity and clarity in compliance with all statutory requirements.
- D. Municipality shall attempt to limit content to four linear ballot column inches. Content exceeding this limit will be subject to additional fees of \$2,000 for each additional linear ballot column inch charged in full one linear ballot column inch increments. Content limits shall not apply to candidate races. Charges shall not exceed \$0.70 per registered voter.

2.07. REGISTRATION LISTS.

The County Clerk shall:

- A. Make available a certified list of registered voters by October 3, 2008 (30 days before election) and a supplemental list by October 15, 2008 (20 days before election).
- B. Any additional lists will be made available upon the request of the Municipality. Usual and customary charges will apply to additional lists requested.

The Municipality shall: **No responsibilities noted.**

2.08. JUDGES: SELECTION AND TRAINING.

The County Clerk shall:

A. Appoint and train a sufficient number of qualified election judges to adequately serve the electorate.

The Municipality shall: **No responsibilities noted.**

2.09. MAIL-IN VOTING.

The County Clerk shall:

A. Conduct mail-in and emergency voting at the County Clerk's Office for the Municipality as required by Code.

B. Obtain and provide all supplies and forms necessary for Mail-In voting.

The Municipality shall: **No responsibilities noted.**

2.10. PUBLICATION OF NOTICE OF ELECTION.

The County Clerk shall:

A. Provide, at least twenty days before the election, notice by publication of a Coordinated General Election which notice shall set forth the items in C.R.S. § 1-5-205(1).

B. Incorporate ballot issues and questions, which have been certified to the County Clerk, as nearly as possible in the form in which the ballot issues and questions are to appear on the official ballot.

C. Charge the Jurisdiction for all expenses related to the Jurisdiction for the preparation and printing of the Notice of Election. Said expenses shall be pro-rated among all Jurisdictions participating in the Notice of Election, with such pro-ration based upon the percentage of total column inches used by the Jurisdiction, in printing the Jurisdiction's Notice. See Attachments A through C for pro-ration formulas of said charges.

The Municipality shall:

A. If the Notice of Election is provided by both the DEO and the Coordinated General Election Official, the DEO shall mail a copy of the notice to the County Clerk.

2.11. ELECTION SUPPLIES.

The County Clerk shall:

- A. Provide all necessary equipment and forms to conduct the election, including the County's electronic counting equipment.

The Municipality shall:

- A. Reimburse the County Clerk for its proportionate share of all supplies required for the conduct of the election.

2.12. ELECTION DAY PREPARATION.

The County Clerk shall:

- A. Prepare and run the required Logic and Accuracy test deck, along with a test deck provided by the Municipality, at least 30 days prior to Election Day.

- B. Require that election judges, who are performing ballot counting in the central count location, run a paper "zero total tape" prior to counting any ballots. Election judges will verify and sign the "zero total tape" then secure the tape in the device. After all ballots have been counted election judges will return the "zero total tape" to the Clerk and Recorder together with signed "vote total tape" showing votes cast.

- C. Provide for necessary electronic voting tabulating equipment (computer), personnel properly trained in electronic tabulating equipment, programming of the vote tabulating equipment, and the facility to conduct the ballot tabulation.

The Municipality shall:

- A. Prepare a Logic and Accuracy test deck for only that portion of the ballot dealing with the Municipality issue(s). The County Clerk will supply necessary ballots and instructions as soon as ballots are available.

- B. Supply an observer to witness and verify the Logic and Accuracy test ballot cards to be counted at least thirty days prior to the election.

2.13 BALLOT COLLECTION AND SECURITY

The County Clerk shall:

- A. Provide a ballot box and seal for use by all municipal voters within designated Municipality's primary business locations.

- B. Provide daily business day pick-up of the sealed ballot box containing voted ballots from all assigned locations, and provide a replacement sealed empty ballot box.

The Municipality shall:

- A. Provide a prominent location for a sealed ballot box in which all municipal voters may deposit their voted ballot. [The ballot box must be available to voters from 7:00 a.m. to 7:00 p.m. on Election Day.]
- B. Provide constant supervision during business hours for the ballot box and assure that the ballot box is at no time left unattended.
- C. Provide a secure, locked storage location for the ballot box during all non business hours.
- E. The Municipality is responsible for the secure delivery of the remaining sealed ballot box to the County Clerk immediately after 7:00 p.m. on Election Day.

2.14. ELECTION DAY ACTIVITIES.

The County Clerk shall:

- A. Provide support on the day of the election via telephone and in person, should the need arise, from 7:00 a.m. until counting of the ballots is completed.
- B. Provide a secure area for the election activities to take place with only authorized persons attending.
- C. Arrange for press accommodations, if necessary.
- D. Receive ballots, inspect voted ballots, count the ballots and furnish the Municipality with summary printouts by Municipality and certified results of the election.

The Municipality shall:

- A. Provide support on the day of the election via telephone and in person, should the need arise, from 7:00 a.m. until counting of the ballots is completed.

2.15. COUNTING OF BALLOTS AND RECOUNTS.

The County Clerk shall:

- A. Conduct and oversee the process of counting the ballots and reporting the results by Municipality.
- B. Establish backup procedures and a backup site for the counting of the election, should the counting equipment fail during the count. Should the equipment fail, and it is determined that the counting procedures will not be recovered within a reasonable period of time; the counting procedures will be moved to a predetermined site for the duration of the election counting procedures. All related costs to be paid by the Municipality (shared with

any other Municipality whose ballots are being counted during the election in the timeframe using the backup procedures and site).

C. Provide space for no more than two persons to observe the ballot counting procedures as accomplished by the electronic vote tabulating equipment programmed for the election. Municipality personnel shall participate in various boards with personnel from the County Clerk's office to ensure Municipality participation in each of the steps of the processing of the ballots prior to tabulating of the ballots.

D. Conduct a recount of the ballots where the final ballot tabulation results are close enough to require a recount by law, or if not required by statute, upon the request of the Municipality, for any reason. The cost of the recount will be charged to the Municipality, or if more than one Municipality is involved in the recount, the cost will be pro-rated among the participating Municipalities equally.

The Municipality shall:

A. Provide for no more than two persons to observe the ballot counting procedures as accomplished by the electronic vote tabulating equipment programmed for the election.

B. Provide at least one member from the Municipality to participate in various boards with personnel from the County Clerk's office to ensure Municipality participation in each of the steps of the processing of the ballots prior to tabulating of the ballots.

C. Notify the County Clerk within twenty-four hours of the completion of the final ballot tabulation whether a recount is required or desired. The Municipality shall reimburse the County for the full cost of the recount, excepting when other Municipalities are included in the recount. In that case, the cost of the recount will be pro-rated among the participating Municipalities.

2.16. CERTIFICATION OF RESULTS.

The County Clerk shall:

A. Prepare and run the required Post Election Audit, along with the Municipality, before certifying election results.

B. Appoint, instruct, and otherwise oversee the Board of Canvassers.

C. Conduct a canvass of the votes and certify the results of the Municipalities Election within the time required by law and forthwith provide the Municipality with a copy of all election statements and certificates which are to be created under the Code.

