



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

WEDNESDAY, AUGUST 19, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance

Citizen Comments

*** * * CONSENT CALENDAR * * ***

- *** 1. **Setting a Hearing on Amending Chapter 24 of the Code of Ordinances to Regulate the Use of City Medians** [Attach 2](#)

The incidence of persons standing on City medians has increasingly become a problem for motorists using the streets. Persons that stand, sit or otherwise occupy medians create a dangerous situation for motorists, pedestrians and traffic. City staff recommends that an ordinance be adopted to regulate use of the City medians.

Proposed Ordinance to Prohibit Solicitation in City Medians and Rights-of-Way

Action: Introduction of a Proposed Ordinance and Set a Hearing for September 2, 2009

Staff presentation: John Shaver, City Attorney

*** Indicates New, Moved, or Changed Item
® Requires Roll Call Vote

REVISED

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *******2. Public Safety Initiative****a) Ballot Resolution**[Attach 1a](#)

To provide an opportunity for the City Council to consider the Public Safety Initiative and possible November 2009 ballot question. The ballot question would ask voters to approve a sales tax increase to build public safety facilities.

Resolution No. 72-09—A Resolution Setting Titles and Submitting to the Electorate on November 3, 2009 a Measure to Increase the Sales and Use Tax from 2.75% to 3.00% as a Voter Approved Revenue Change as Defined by Article X, Section 20 of the Colorado Constitution

®Action: *Consider Adoption of Resolution No. 72-09 Setting a Ballot Title*

Staff presentation: Laurie Kadrich, City Manager

b) Contract with Mesa County Elections for the Public Safety Initiative Election[Attach 1b](#)

In order to place the City's ballot question regarding the Public Safety Initiative on the Mesa County ballot, an intergovernmental agreement setting forth the responsibilities of both entities is required. In essence, by this intergovernmental agreement, the City will enter into a contract with Mesa County for them to conduct the City's election.

Action: *Authorize the City Clerk to Enter into an Intergovernmental Agreement with Mesa County Elections to Place a Measure on the November 3, 2009 Ballot*

Staff presentation: Stephanie Tuin, City Clerk

3. Non-Scheduled Citizens & Visitors**4. Other Business****5. Adjournment**



Date: August 13, 2009

Author: Jodi Romero

Title/ Phone Ext: MFO, X 1515

Proposed Schedule: August 19, 2009

2nd Reading

(if applicable): _____

Ballot Resolution
CITY COUNCIL AGENDA ITEM

Subject: Public Safety Initiative
File # (if applicable):
Presenters Name & Title: Laurie Kadrich, City Manager

Executive Summary:

To provide an opportunity for the City Council to consider the Public Safety Initiative and possible November 2009 ballot question. The ballot question would ask voters to approve a sales tax increase to build public safety facilities.

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 11: Public safety facilities and services for our citizens will be a priority in planning for growth.

Goal 4: Support the continued development of the downtown area of the City Center into a vibrant and growing area with jobs, housing and tourist attractions.

Action Requested/Recommendation:

If the City Council decides to place a question on the November 3rd, 2009 ballot the last date to do so is August 19th, 2009. By adopting the proposed resolution, a tax increase question will be placed on the ballot.

Board or Committee Recommendation:

n/a

Background, Analysis and Options:

Public Safety is an essential service provided by the City. Currently the facilities and infrastructure that support this vital service are inadequate and not conducive to modern delivery of police and fire services.

The City has taken several temporary measures in order to address the immediate facility issues; however a long term solution is needed. Those temporary measures include the addition of several modular units and a significant investment in facilities for the regional E911 Communication Center. City Council, citizens, and staff have been discussing this issue for several years now. One solution which is known as the Public Safety Initiative (PSI) proposes a five year phased construction plan. Under that plan the police operations building including patrol and investigations, the regional E911 Communication Center, the police and fire administration building, and the main Fire Station #1 would be built. The plan provides for the consolidation of police services such as property & evidence and specialized tactical response (i.e. bomb squad and special weapons and tactics also known as SWAT). Additionally the plan calls for the construction of neighborhood fire stations to provide emergency fire and medical response to our growing City.

City Council approved a previous ballot measure to seek funding for a project that was comprised of seven facilities including three neighborhood stations. The estimated cost of construction of that project was \$98 million. It was determined that an additional source of revenue was required to pay for emergency facilities and the proposed funding mechanism was an increase to the City sales tax rate of ¼%.

This measure did not pass and the City immediately began analyzing the results of the election. The analysis included collecting information from citizens, stakeholders, and community members through personal interviews, focus groups, telephone, on-line, and in-person surveys. The common themes from the analysis indicated that the majority of voters voted “no” because of the downturn in the economy. Some voters were concerned about the TABOR question that was included on the last ballot; others expressed concern that the project proposed in the November 2008 question was too big/expensive/confusing.

As part of the post election analysis Cobb & Associates, a local communications and marketing firm, was hired to assist with understanding “what went wrong” and how the City might approach the issue differently in the future. (see attached report of key findings and recommendations)

Based on what we heard from the community, staff has revised the PSI plan and identified for City Council five possible project options as follows:

<u>Project Summary</u>	<u>Cost Estimate</u>	<u>Exclusions/Limitations</u>
Utilizes land already acquired, construct 4-story building including regional E911 Communication Center, Police Operations, Police & Fire Administration, and Operations Support. Construct Fire Station #1 and two new neighborhood fire stations.	\$78,573,513	<i>excludes</i> parking garage and municipal court/meets short term parking needs
Construct 3-story building including regional E911 Communication Center, and Police & Fire Administration. Construct Fire Station #1 and two new neighborhood fire stations. This option requires purchase of additional land and existing building for Operations Support Building.	\$75,965,000	<i>excludes</i> parking garage and municipal court/ <i>divides</i> public safety service between two locations/ <i>limits</i> use of Operations Support Building/ <i>meets</i> mid term parking needs
Utilizes land already acquired, construct 3-story building including regional regional E911 Communication Center, Police Operations, and Police & Fire Administration (includes small specialized vehicle storage building-not a complete Operations Support Building). Construct Fire Station #1 and two new neighborhood fire stations	\$66,408,135	<i>excludes</i> parking garage, municipal court, consolidation of property & evidence, and skills training/ <i>divides</i> public safety service between several locations/ <i>meets</i> short term property & evidence needs/ <i>meets</i> short term parking needs
Utilizes land already acquired, construct 3-story building including regional regional E911 Communication Center, Police Operations, and Police & Fire Administration (no Operations Support building). Construct Fire Station #1 and two new neighborhood fire stations	\$61,800,000	<i>excludes</i> parking garage, municipal court, specialized large vehicle storage, and skills training/ <i>divides</i> public safety service between several locations/property & evidence at capacity/meets short term parking needs
Utilizes land already acquired, construct 3-story building including regional regional E911 Communication Center, Police Operations, and Police & Fire Administration (no Operations Support building). Construct Fire Station #1 (No new neighborhood fire stations)	\$53,800,000	<i>excludes</i> parking garage, municipal court, specialized large vehicle storage, skills training, and neighborhood fire stations/ <i>divides</i> public safety service between several locations/property & evidence at capacity/meets short term parking needs

If City Council chooses to place a question on the 2009 ballot, the ballot language would be set by Resolution. Depending on the project option chosen by the Council the draft Resolution will need to be completed. That direction can be given at the August 19, 2009 City Council meeting.

Generally, except for "filling in the blanks" the ballot language for each project would be the same. The estimated cost, as noted in the table above, will establish the scope of the project. The steps to complete the resolution are: 1) a majority of the Council will first need to determine if the ballot questions will proceed and if so then 2) a majority of the Council will need to establish the scope of the project, i.e., fill in the blanks with the specific components to be included in the project.

The ballot question included in the draft Resolution is as follows:

SHALL CITY OF GRAND JUNCTION TAXES BE INCREASED (\$4,400,000+/-) IN 2010 AND ANNUALLY THEREAFTER BY SUCH ADDITIONAL AMOUNT AS IS GENERATED BY INCREASING THE CITY'S SALES AND USE TAX FROM 2.75% TO 3.00% FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING AND OPERATING PUBLIC SAFETY FACILITIES AND ACQUIRING EQUIPMENT FOR THE FACILITIES WITH ALL REVENUE FROM SUCH TAX INCREASE BEING RESTRICTED TO PUBLIC SAFETY NEEDS INCLUDING:

- 1) DEMOLITION, RECONSTRUCTION AND OPERATION OF A 911 COMMUNICATION CENTER CURRENTLY SERVING 19 POLICE AND FIRE AGENCIES IN MESA COUNTY TO BE LOCATED AT OR ABOUT 625 UTE AVENUE, GRAND JUNCTION, COLORADO WITH AN ESTIMATED COST OF \$_____; AND*
- 2) DEMOLITION, RECONSTRUCTION AND OPERATION OF FIRE STATION #1 TO BE LOCATED AT OR ABOUT 302 S. 7TH STREET, GRAND JUNCTION, COLORADO WITH AN ESTIMATED COST OF \$_____; AND*
- 3) DEMOLITION, RECONSTRUCTION AND OPERATION OF THE POLICE DEPARTMENT INCLUDING THEREIN OFFICES AND OTHER WORK SPACE FOR THE FIRE DEPARTMENT ADMINISTRATION TO BE LOCATED AT OR ABOUT 625 UTE AVENUE WITH AN ESTIMATED COST OF \$_____;*
- 4) PURCHASE OF LAND, CONSTRUCTION AND OPERATION OF A NEW NEIGHBORHOOD FIRE STATION AT A LOCATION TO BE DETERMINED IN THE PEAR PARK NEIGHBORHOOD WITH AN ESTIMATED COST OF \$____; AND*
- 5) PURCHASE OF LAND, CONSTRUCTION AND OPERATION OF A NEW NEIGHBORHOOD FIRE STATION AT A LOCATION TO BE DETERMINED IN THE NORTHWEST (WEST OF 27 ROAD, NORTH OF F ROAD) NEIGHBORHOOD WITH AN ESTIMATED COST OF \$_____; AND*

SHALL THE CITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH REVENUES AND ANY INVESTMENT EARNINGS AND INTEREST ON SUCH REVENUES, AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION UNTIL DECEMBER 31, 2040?

Project Option Estimated Cost	Estimated Cost of point 1)	Estimated Cost of point 2)	Estimated Cost of point 3)	Estimated Cost of point 4)	Estimated Cost of point 5)
\$ 78,573,513	\$ 5,000,000	\$ 9,590,303	\$ 55,983,210	\$ 4,000,000	\$ 4,000,000
\$ 75,965,000	\$ 5,000,000	\$ 9,590,303	\$ 53,374,697	\$ 4,000,000	\$ 4,000,000
\$ 66,408,135	\$ 5,000,000	\$ 9,590,303	\$ 43,817,832	\$ 4,000,000	\$ 4,000,000
\$ 61,800,000	\$ 5,000,000	\$ 9,590,303	\$ 39,209,697	\$ 4,000,000	\$ 4,000,000
\$ 53,800,000	\$ 5,000,000	\$ 9,590,303	\$ 39,209,697	no neighborhood station	no neighborhood station

Financial Impact/Budget:

A large scale project such as that proposed for the PSI would have a significant financial impact on the local economy. It is estimated that for every capital dollar expended another \$1.75 in economic activity in the form of jobs, wages, and spending would result.

Based on historical consumer spending, somewhere between 25% - 35% of spending is on taxable items, and therefore the City, County, and State would receive tax revenues from the resulting spending. Below is a table showing the estimated economic impact based on the different project options:

<i>Capital Investment</i>	<i>Economic Impact</i>
\$ 78,573,513	\$ 137,503,648
\$ 75,965,000	\$ 132,938,750
\$ 66,408,135	\$ 116,214,236
\$ 61,800,000	\$ 108,150,000
\$ 53,800,000	\$ 94,150,000

Legal issues:

The proposed ballot question must conform to the requirements of the Taxpayers Bill of Rights (TABOR). The draft form of the question, once completed by the City Council, will conform to applicable legal standards.

Other issues:

n/a

Previously presented or discussed:

The Public Safety Initiative has been previously discussed at the following City Council work sessions or meetings:

- May 19th, 2008-Public Safety Initiative
- June 1st, 2008-Financing Options
- June 16th, 2008-Preliminary Design
- August 18th, 2008-Ballot Questions
- August 18th, 2008-City Council Meeting
- June 22nd, 2009-Public Safety Initiative Discussion
- August 3rd, 2009-Public Safety Initiative Discussion

Attachments:

Powerpoint
Cobb & Associates Key Findings & Recommendations
Proposed Resolution

Public Safety Initiative (PSI)



REPORT TO COUNCIL
AUGUST 19, 2009

PSI-Police Operations



- Two Modular Trailers (2007)
- Relocate property & evidence storage (2007)
- Fleet building addition to house specialized equipment (2008)
- Relocate lab staff to CBI Facility (2008)
- Secured grant funding for records management system (2009)
- Back up generator (2009)

PSI-E911 Regional Communication Center



- Modular trailer for training (2007)
- Replacement of Emergency Power Source -5yr life span (2007)
- Remodel Regional Communication Center (2007/2008)
- Secured grant funding for Computer Aided Dispatch system (2009)
- Back up generator (2009)
- Tower shifted (2009)

PSI-Fire Station #1 & Administration



- Place shed on property for storage space (2009)
- Back up generator (2009)
- Move administration staff to existing neighborhood fire station (2009)
- Break room converted to work area (2009)
- Hallway converted to break area

PSI-New Facilities



- Land Acquisition (2007/2008)
- Architect (grant funded) for preliminary design (2007/2008)
- Project Team/Needs Assessment (2007/2008)
- Fire Station Location Study (2008)
- Team local contractor with architect (2008)
- Site Preparation (2008/2009)
- Grant application for Fire Station #1 and Neighborhood Fire Station (Recovery Act) (2009)

PSI-Vote and Post Election



- Public Education (Summer 2008)
- Citizens for a Safer Grand Junction (Fall 2008)
- Vote (November 2008)
- Post Election Analysis (December 2008)
- Hire Cobb & Associates (2009)

PSI-City Council Work Sessions



- May 19th, 2008-Public Safety Initiative
- June 1st, 2008-Financing Options
- June 16th, 2008-Preliminary Design
- August 18th, 2008-Ballot Questions
- August 18th, 2008-City Council Meeting
- June 22nd, 2009-Public Safety Initiative Discussion
- August 3rd, 2009-Public Safety Initiative Discussion

Conclusion and Recommendations

It is the conclusion of this report that a new public safety plan should find its public support through a well-articulated citizen mandate, developed by a system designed to facilitate a two-way public dialog. Further, that the goals of such a system are to inform and educate the citizens, garner public feedback, vet plan options, and consequently underpin a new plan with positive public sentiment.

Insofar as public dialog takes time, it is further our recommendation that a new measure not be placed on the November 2009 ballot. Indeed, if City Council holds a belief in a representative republic, a timetable should not be tied to any election cycle, but rather come as an organic outcome of genuine public dialog.

Preface

The fundamental basis for this report is in the principle that governments are established by the citizens, to serve the collective needs of the citizens, and that those who would represent the citizens do so with the intent that those needs are met.

November 2008 ballot initiative

In a review of public sentiment gathered immediately following last November's election cycle, broad based concurrence existed about the fundamental reasons for voter rejection of the 2008 Public Safety Initiative:

- 1)The project was judged fiscally irresponsible on a variety of platforms, most specifically centered on the size and scope of the plan, borrowed money, and the TABOR override.
- 2)The timing of the economic downturn affected the willingness of the voters to accept a new tax.
- 3)Issues regarding trust, communications, and confusion about the size, scope, and outcomes of the project were evident. A direct and meaningful connection to the citizens was lacking.

These beliefs were not exclusively held by voters, but were evident among civic leaders including some Council members. This left a communication gap in the public-private interface, where speculation and hyperbole added to confusion and public mistrust.

Consensus of Need

Equally evident was broad-based agreement about the needs and insufficiencies of the existing public safety system. Indeed, the issue has been discussed and debated without resolution for many years. Moving the issue out of gridlock and into resolution, is without dispute, the common goal of all.

Public-Private Interface

At the heart of the issue therefore is the lack of consensus about how this issue is to be resolved, not the need for resolution. If governments are to serve the public trust, and civic representatives are to serve as the interface between governments and citizens, then public dialog between the citizens and their representatives follows as the logical platform to resolution. Specifically, city government acts on Council mandates, and Council acts on citizen mandates.

Public Sentiment

“Public sentiment is everything. With public sentiment,
nothing can fail; without it nothing can succeed.”

Abraham Lincoln edited by Roy P. Basler, Volume III,
"Lincoln-Douglas Debate at Ottawa" (August 21, 1858), p. 27

Discovering the citizen mandate for a new public safety plan is at the core of the resolution. Last November, the citizens of Grand Junction clearly called for a scaled back project and an alternative funding mechanism. Using this as a foundation, vetting a new plan, or plan options through public dialog will serve to both discover and develop the citizen mandate.

Public dialog is a two-way proposition supported by a communications system that educates, vets options, responds to input, clearly communicates needs and benefits, fairly forecasts outcomes, and ultimately creates a plan capable of garnering positive public sentiment. To develop a new plan void of public dialog, surely puts a resolution at greater risk of continued failure.

It is also the expectation of the system that civic leaders wisely use public resources to develop well-reasoned, well-researched options. Working from the base of understanding derived from post 2008 election surveys, a new plan(s) should generally follow existing public sentiment:

- Demonstrates fiscal responsibility
- Meets urgent needs first and prioritizes wisely
- Is not more than is needed
- Plans prudently for the future

A public communications system should clearly demonstrate that City Council is at its center, as they are the elected representatives of the citizens, not city administration. Such a system might include:

- Town Hall meetings
- Public debate
- Public presentations
- Direct constituent communications
- Mass media communications
- New media tools capable of query and modeling
- Polling and surveying

Public Messages

It seems evident also, that conflicting and possibly premature reporting has furthered public confusion and cynicism. In this regard, the Council's consolidated voice is preeminent over individual views, and demonstrates cohesive leadership. It is our professional recommendation that a system of regularly scheduled press communications and public briefs will likely result in clearer public understanding than will individual press interviews.

Respectfully submitted | Teri Cavanagh | COBB & Associates, inc.

RESOLUTION NO. ____-09

A RESOLUTION SETTING TITLES AND SUBMITTING TO THE ELECTORATE ON NOVEMBER 3, 2009 A MEASURE TO INCREASE THE SALES AND USE TAX FROM 2.75% TO 3.00% AS A VOTER APPROVED REVENUE CHANGE AS DEFINED BY ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION

RECITALS

The City Council of the City of Grand Junction at its August 19, 2009 meeting considered placing a question on the November ballot asking the City electors to approve a ¼% sales tax increase for the construction and operation of new public safety buildings in the City known as the Public Safety Project.

The Public Safety Project when completed would provide a new Fire Station #1, a new Police Building and two neighborhood fire stations. One of those fire stations would be located in the pear park neighborhood and one would be located in the Northwest (West of 27 Road, North of F Road) neighborhood.

The City Council supports the Public Safety Project and believes that the Public Safety Project is critical to the continued safety and security of our growing and vibrant community. The ¼% sales tax increase is a reasonable means of furthering the safety and well being of the community.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

1. The ballot question will provide for the resources necessary for the construction, equipment and operation of the City public safety facilities.
2. The following question be submitted to the registered electors on Tuesday, November 3, 2009.

QUESTION

SHALL CITY OF GRAND JUNCTION TAXES BE INCREASED \$(4,400,000+/- IN 2010 AND ANNUALLY THEREAFTER BY SUCH ADDITIONAL AMOUNT AS IS GENERATED BY INCREASING THE CITY'S SALES AND USE TAX FROM 2.75% TO 3.00% FOR THE PURPOSE OF FINANCING THE COSTS OF CONSTRUCTING AND OPERATING PUBLIC SAFETY FACILITIES AND ACQUIRING EQUIPMENT FOR THE FACILITES WITH ALL REVENUE FROM SUCH TAX BEING RESTRICTED TO PUBLIC SAFETY NEEDS INCLUDING:

AND SHALL THE CITY BE AUTHORIZED TO COLLECT, RETAIN AND SPEND SUCH REVENUES AND ANY INVESTMENT EARNINGS AND INTEREST ON SUCH REVENUES, AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

____ **Yes**

____ **No**

Adopted this ____ day of _____ 2009.

President of the Council

ATTEST:

City Clerk



Date: August 6, 2009
 Author: Stephanie Tuin
 Title/ Phone Ext: City Clerk, x1511
 Proposed Schedule: August 19, 2009

 2nd Reading
 (if applicable): _____

**Election IGA
 CITY COUNCIL AGENDA ITEM**

Subject: Contract with Mesa County Elections for the Public Safety Initiative Election
File # (if applicable): N/A
Presenters Name & Title: Stephanie Tuin, City Clerk

Executive Summary:

In order to place the City’s ballot question regarding the Public Safety Initiative on the Mesa County ballot, an intergovernmental agreement setting forth the responsibilities of both entities is required. In essence, by this intergovernmental agreement, the City will enter into a contract with Mesa County for them to conduct the City’s election.

How this item relates to the draft Comprehensive Plan Goals and Policies:

Goal 11 states: Public safety facilities and services for our citizens will be a priority in planning for growth.

Conduct of this election will further the City Council’s goal of funding the new public safety facilities.

Action Requested/Recommendation: Authorize the City Clerk to Enter into an Intergovernmental Agreement with Mesa County Elections to Place a Measure on the November 3, 2009 Ballot

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

An election in November was not previously budgeted. The cost estimate is \$72,000 to participate in the November 3, 2009 election.

Legal issues:

None

Other issues:

None

Previously presented or discussed:

City Council discussed the Public Safety initiative and the placement of a question relative to funding at the August 3, 2009 workshop.

Background, Analysis and Options:

If the City Council decides to place an issue on the ballot for the November 3rd, an intergovernmental agreement with the County is required to be signed by August 25, 2009. The ballot title must be certified to Mesa County by September 4, 2009.

The contract with Mesa County will also include the coordination of the TABOR notice. With the City's question being a tax question, the City will be required to participate in the TABOR notice.

Attachments:

Proposed IGA with Mesa County

INTERGOVERNMENTAL AGREEMENT
MESA COUNTY
CITY OF GRAND JUNCTION
COORDINATED ELECTION - NOVEMBER 3, 2009

The following shall represent the Intergovernmental Agreement ("Agreement") between the Mesa County Clerk and Recorder hereinafter referred to as ("Clerk") and the City of Grand Junction hereinafter referred to as ("Political Subdivision").

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and Political Subdivision agree to the scheduling and conducting of a Mail Ballot Election on Tuesday, November 3, 2009 ("Coordinated Election") subject to the duties of the Political Subdivision. The Coordinated Election may involve more than one political subdivision with overlapping boundaries, and the Clerk shall serve as the Coordinated Election Official ("CEO") for all political subdivisions involved in the Election. The Political Subdivision has appointed **Stephanie Tuin** as its Designated Election Official ("DEO") who will have primary responsibility for election procedures that are the responsibility of Political Subdivision. The Election shall be held under the provisions of the Colorado Revised Statutes Election Code (Title 1) except as otherwise required by the Mail Ballot Elections Act, C.R.S. 1-7.5-101 and the rules promulgated by the Secretary of State.

2. PRECINCTS and VOTING LOCATIONS: Locations for the deposit of voted Mail Ballots not returned through the United States Postal Service will be those established by the Clerk. A walk-in ballot distribution site for mail-in ballots will be open at the Mesa County Elections Division office, 544 Rood Ave, third floor, beginning on Monday, October 12, 2009, each business day thereafter from 8:00 a.m. to 5:00 p.m. through Monday November 2, 2009, and on Election Day, November 3, 2009 from 7:00 a.m. until 7:00 p.m.

The ballot drop box locations for voted ballots not returned through the United States Postal Service will be those designated by the Clerk as follows:

- Mesa County Elections Division at County Courthouse
- Mesa County Recording Division at County Courthouse
- Mesa County Clerk's branch at Mesa Mall
- Mesa County Clerk's branch at the Mesa County Fairgrounds
- Mesa County Clerk's branch at the Fruita Civic Center
- Mesa County Clerk's branch at the Clifton Peachtree Shopping Center

3. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk.
4. LEGAL NOTICES: Publication of any required legal notices concerning Political Subdivision's election which are to be published prior to certification of the ballot content to the Clerk shall be the responsibility of the Political Subdivision. A copy of the published legal notice shall be submitted to the Clerk for her records. Publication of notices required, which are to be published after certification of the ballot, shall be the responsibility of the Clerk. Additional notices required by charter or by-laws of the Political Subdivision shall be the responsibility of the Political Subdivision. The Mail-in ballot plan that is to be submitted to the Secretary of State, pursuant to C.R.S. 1-7.5-105 shall be the responsibility of the Clerk.

If the Political Subdivision is submitting a ballot issue concerning the creation of any debt or other financial obligation as contemplated in Article X, Section 20 of the Colorado Constitution, the Political Subdivision shall post notice of financial information as set forth in C.R.S. 1-7-908 on the Political Subdivision's website or, if the Political Subdivision does not maintain a website, at the Political Subdivision's chief administrative office no later than **October 14, 2009**, which is 20 days before the Election.

5. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the Political Subdivision shall be the responsibility of same. The Clerk shall provide voter registration lists as required and requested.
6. BALLOT CONTENT: In accordance with C.R.S. 1-1-110(3) and 1-5-203(3)(a), the ballot content must be certified to the Clerk by Political Subdivision, in its exact form, no later than 5:00 p.m. on Friday, **September 4, 2009**. The ballot content may be delivered to the Clerk at the Elections Division, 544 Rood Avenue, Suite 301A, Grand Junction, CO 81501 or be mailed in sufficient time to arrive by such date to the Elections Division, P.O. Box 20000, Grand Junction, CO 81502-5009. Time is of the essence. Ballot contents shall also be submitted in electronic format in MS Word. It is understood that C.R.S. 1-7.5-107(3)(a) requires the mailing of ballots between the 22nd and 18th day prior to the election.
7. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20

- OF ARTICLE X OF THE COLORADO CONSTITUTION: The DEO is solely responsible for the process of receiving written comments and summarizing such comments as are required by Section 20 of Article X, Sec 20 (3)(b)(v) of the Colorado Constitution ("TABOR") and C.R.S. 1-7-901(4) by Friday, **September 18, 2009**.
8. RECEIVING OF PETITION REPRESENTATIVE'S SUMMARY OF COMMENTS: Receipt of the summary of comments from the petition representatives shall be the sole responsibility of the Political Subdivision. Pursuant to C.R.S. 1-7-903(3), the summary of comments must be filed with the Political Subdivision no later than Monday, **September 21, 2009**.
 9. PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUE ELECTIONS: Pursuant to C.R.S. 1-7-904, the Political Subdivision shall certify the "Tabor Notice" information and the final and exact summary of comments concerning its ballot issue(s) to the Clerk no later than 5:00 p.m. on Tuesday, **September 22, 2009**, for inclusion in the ballot issue mailing as required by Section 20, Article X, of the Colorado Constitution. Data shall be transmitted to the Clerk in MS Word format. The Clerk shall coordinate the text for the ballot issue mailing for all participating Mesa County political subdivisions into one notice. Said ballot issue mailing shall be prepared and mailed by the Clerk in accordance with Article X, Section 20(3)(b) of the Colorado Constitution at least 30 days prior to the election, which deadline, pursuant to C.R.S. 1-1-106(5), shall be Friday, **October 2, 2009**.
 10. PREPARATION FOR ELECTION: The Clerk shall be responsible for preparing and printing the ballots and sample ballots for the Coordinated Election. The Clerk will provide the DEO of the Political Subdivision with a proof of ballot prior to printing for final approval. The DEO reviewing the ballot prior to printing will be required to respond within 24 hours of notification in order to make any adjustments to the final ballots.
 11. CONDUCT OF COORDINATED ELECTION: The Clerk shall be responsible for the conduct of the Coordinated Election, pursuant to Title 1, Article 7.5 of the Colorado Revised Statutes and Secretary of State Rules.
 12. MAIL-IN VOTING (PREVIOUSLY KNOWN AS ABSENTEE): Completed applications for mail-in ballots shall be transmitted to the Clerk at

the following address for processing: Mesa County Elections Division, PO Box 20000, Grand Junction, CO 81502-5009, or hand-delivered to the Mesa County Elections Division office at 544 Rood Avenue, Suite 301A, Grand Junction, CO 81501. The Clerk shall, upon receipt of such a request, mail a ballot package to the eligible elector in accordance with C.R.S. 1-8-102. A mail-in ballot is considered as a ballot that is requested by form to be mailed to a different address than on the voter's registration record.

13. TABULATION OF BALLOTS: All processes relating to the tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the political subdivision upon completion of the counting of all ballots on election night.
14. CANVASS OF VOTES: The canvass of votes will be the responsibility of the Clerk and shall be completed in accordance with C.R.S. 1-10-102(1) no later than November 20, 2009.
15. ALLOCATION OF COST OF ELECTION: The Political Subdivision shall reimburse the Clerk for the TABOR notice and election costs incurred by the Clerk pursuant to this Agreement. Such reimbursement shall be made to the Clerk within thirty days of receipt of billing from the Clerk. The Clerk's determination regarding such costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable. A minimum charge of \$250 will be assessed.
16. INDEMNIFICATION: Political Subdivision agrees to indemnify and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, errors or omissions of Political Subdivision in completing its responsibilities relating to the Regular Municipal Election.
17. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other political subdivisions for the conduct of other elections.
18. VENUE: Venue for any dispute hereunder shall be in the District Court of Mesa County, Colorado.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

Mesa County Clerk & Recorder

City of Grand Junction

Intergovernmental Agreement, Mesa County
City of Grand Junction
Coordinated Election, November 3, 2009

Janice Rich

Stephanie Tuin, DEO

Date

Date

Attach 2

Setting a Hearing on Amending Chapter 24 of the Code of Ordinances to Regulate the Use of City Medians

CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Amend Chapter 24 of the Code of Ordinances to Regulate the Use of City Medians		
File #			
Meeting Day, Date	Wednesday, August 19, 2009		
Placement on the Agenda	Consent	X	Individual
Date Prepared	August 17, 2009		
Author Name & Title	Mary Lynn Bacus, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The incidence of persons standing on City medians has increasingly become a problem for motorists using the streets. Persons that stand, sit or otherwise occupy medians create a dangerous situation for motorists, pedestrians and traffic. City staff recommends that an ordinance be adopted to regulate use of the City medians.

Budget: There is no direct budget impact from adoption of the Ordinance. Increased enforcement will have a cost that is unknown at this time. The Grand Junction Police Department and City Attorney will be responsible for enforcement.

Action Requested/Recommendation: Introduction of proposed Ordinance and setting a hearing for Wednesday, September 2, 2009.

Attachments: Proposed Ordinance

Background Information: Persons using City medians for non-traffic related purposes have become an increasing problem. Incidences have occurred in which traffic is delayed or hazardous conditions are created. These occurrences have compromised the safe and efficient operation of the streets. As there is a general expectation that the City be alert and responsive to the safety and welfare of the community, it is the recommendation of staff that an ordinance be adopted that clearly regulates the use of City medians.

ORDINANCE NO. _____

**AN ORDINANCE TO PROHIBIT SOLICITATION IN CITY MEDIANS
AND RIGHTS-OF-WAY**

RECITALS:

The purpose of this ordinance is to prevent dangers to persons and property, to prevent delays and to avoid interference with the flow of traffic on streets, roadways and highways within the City of Grand Junction. Medians are often designed to deal with and/or accommodate specific traffic problems and/or needs for pedestrians. Medians, whether landscaped or otherwise, are not parks and are not proper locations for persons to linger. Any delay or distraction that may occur by virtue of a person lingering on or about a median for any purpose other than as a refuge from traffic while crossing the street could result in a crash and/or otherwise compromise the safe and efficient operation of the streets.

In the City, persons have been known to stand in medians in order to contact or otherwise communicate with the operator or occupant(s) of a motor vehicle on street(s). In that process motorists are stopped, delayed and/or distracted which creates a hazard to the person and the operator of the motor vehicle and other users of the streets. Medians are not designed for the prolonged occupancy of any person and accordingly persons should not for any purpose to be allowed to use the medians in a manner that constitutes a significant hazard to them and to motorists.

A new ordinance specifically regulating the use of medians by persons for solicitation or for other purposes on City medians will provide safeguards for motorists and other users of the streets.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT:**

A new Section shall be added to Chapter 24 of the Code of Ordinances, City of Grand Junction, Colorado, regarding regulation of the use of medians. Section 24-26 shall read as follows:

Sec. 24-26. Prohibition against standing on or occupying medians.

It is unlawful for any person to stand on or occupy a median, other than as a pedestrian in the act of crossing a street, for any purpose. No person may use a median to conduct political campaign activities or to solicit employment, business, contributions of any kind or sales of any kind and/or to collect money for the same from the operator or any occupant of a motor vehicle traveling upon any street, roadway or highway within the City.

For purposes of this Ordinance, a median shall be defined as any island or street divider, including but not limited to areas that are landscaped, painted or otherwise constructed, that separate traffic for vehicular travel into opposite or different directions.

For purposes of this Ordinance, *solicit* means asking for money or things of value. *Soliciting* includes using the spoken, written or printed word; gestures, signs or other means to obtain or try to obtain a donation of money or other things(s) of value or the sale or receipt of goods or services.

Penalties. Any violation of the provisions of this Ordinance constitutes a misdemeanor punishable in accordance with the penalties provided in Section 1-9 of the Grand Junction Code of Ordinances.

Severance. If any section, sentence, clause or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

ALL OTHER PROVISIONS OF CHAPTER 24 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this ____ day of _____, 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this ____ day of _____, 2009.

President of the Council

Attest:

City Clerk