

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 87-18

**A RESOLUTION AUTHORIZING A MAIL BALLOT ELECTION IN
THE CITY OF GRAND JUNCTION FOR THE REGULAR MUNICIPAL ELECTION
ON APRIL 2, 2019, AND AUTHORIZING THE CITY CLERK TO SIGN THE
INTERGOVERNMENTAL AGREEMENT WITH MESA COUNTY CLERK AND
RECORDER TO CONDUCT SAID ELECTION**

RECITALS.

Pursuant to City Charter §3, the regular election for the City of Grand Junction is scheduled for April 2, 2019.

The City Council finds that conducting the election by mail ballot is the most efficient method for that election.

The City Council has designated the City Clerk as the Designated Election Official (DEO) for the special election.

The Municipal Election Code 31-10-101 *et seq.*, C.R.S., authorizes mail ballot elections for municipal elections.

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

1. The Regular Municipal Election for the City of Grand Junction is scheduled for April 2, 2019 and will be conducted by mail ballot.
2. That the City Clerk is hereby authorized to enter into an Intergovernmental Agreement with the Mesa County Clerk and Recorder for the conduct of said election (Exhibit A).

Adopted this 19th day of December, 2018.



President of the Council

ATTEST:



City Clerk



**INTERGOVERNMENTAL AGREEMENT
BETWEEN MESA COUNTY AND CITY OF GRAND JUNCTION
REGULAR MUNICIPAL ELECTION - APRIL 2, 2019**

The following represents 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"), as authorized by C.R.S. 29-1-201.

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and the Political Subdivision agree to the scheduling and conducting of a mail ballot Municipal Election on April 2, 2019 ("Regular Municipal Election") subject to the duties of the Political Subdivision. The Regular Municipal Election may involve more than one political subdivision with overlapping boundaries, and the Clerk has designated Tim Long, whose telephone number is (970) 244-1749, as the "Contact Officer" to act as the primary liaison between the Clerk and the Political Subdivision for the purposes of the Regular Municipal Election. The Contact Officer shall act under the authority of the Clerk. The Political Subdivision has appointed Wanda Winkelmann as its Designated Election Official ("DEO") who will have primary responsibility for election procedures that are the responsibility of Political Subdivision. The Regular Municipal Election shall be held under the provisions of the Municipal Election Code (Title 31, Article 10 of the Colorado Revised Statutes) except as otherwise required by rules promulgated by the Secretary of State.

2. PRECINCTS and VOTING LOCATIONS: Polling 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 hand-delivered mail-in ballots will be open at the Mesa County Elections Division, 200 S. Spruce Street, ("MCCS Building") beginning on March 11, 2019, and each business day thereafter from 8:00 a.m. to 5:00 p.m. through April 1, 2019 and on Election Day, April 2, 2019 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:

- Ballot Box at City Hall
- Mesa County Elections Division at MCCS Building
- Mesa County Recording Office at MCCS Building

3. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk, except as otherwise required by the City Charter or the Municipal Election Code.
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 by the City Charter and the Municipal Election Code which are to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the Political Subdivision. Additional notices shall be the responsibility of the Political Subdivision.

If 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 **March 13, 2019**, which is 20 days before the Regular Municipal 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 by the City Clerk on behalf of the Political Subdivision.
6. BALLOT CONTENT: In accordance with C.R.S. 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, **February 1, 2019**. The ballot content may be delivered to the Clerk at the Elections Division, 200 S. Spruce Street, Grand Junction, CO 81501 or be mailed in sufficient time to arrive by such date to the Elections Division, P.O. Box 20,000, 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 the Municipal Election Code requires the mailing of ballots between the 22nd and 15th day prior to the election.

7. RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION: The Political Subdivision is solely responsible for the process of receiving written comments and summarizing such comments as are required by Section 20 of Article X of the Colorado Constitution ("TABOR").
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 Friday, **February 15, 2019**.
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 **February 19, 2019**, 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 **March 1, 2019**.
10. PREPARATION FOR MUNICIPAL ELECTION: The Clerk shall be responsible for preparing and printing the ballots and sample ballots for the Regular Municipal Election. Pursuant to the Grand Junction City Charter, 500 sample ballots will be printed and provided to the City Clerk no later than March 28, 2019 per City Charter §21. The Clerk will provide the DEO of the Political Subdivision with a proof of said ballot prior to printing for her final approval.
11. CONDUCT OF MUNICIPAL ELECTION: The Clerk shall be responsible for the conduct of the Regular Municipal Election, pursuant to Title 31, Article 10 of the Colorado Revised Statutes.
12. ABSENTEE VOTING: Completed applications for absentee ballots shall be transmitted to the Clerk at the following address for processing: Mesa County Elections Division, P.O. Box 20,000, Grand Junction, CO 81502-5009, or hand-delivered to the Mesa County Elections Division office at 200 S. Spruce Street, MCCS Building, 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. 31-10-1002.

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 Political Subdivision, pursuant to its Charter and shall be completed no later than April 4, 2019. The Political Subdivision shall issue its certificate(s) of election of candidates upon receipt of the official results from the Clerk.
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.
16. INDEMNIFICATION: To the extent authorized by law, 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 court action arising out of or under this Agreement 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 AND RECORDER

CITY OF GRAND JUNCTION

Wanda Winkelmann

By: Tina Peters, Clerk & Recorder

By: Wanda Winkelmann, City Clerk

Date

12/21/2018

Date