

RESOLUTION NO. 26
Series of 2016

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE TOWN OF VAIL AND EAGLE COUNTY CONCERNING THE
ADMINISTRATION AND THE CONDUCT OF EAGLE COUNTY'S
COORDINATED ELECTION ON NOVEMBER 8, 2016 AND SETTING FORTH
DETAILS IN REGARD THERETO.**

WHEREAS, the Town of Vail (the "Town"), in the County of Eagle and State of Colorado is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the Town Charter (the "Charter");

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified;

WHEREAS, the Town is considering calling a special election and proposing a ballot question to the Vail electors to increase the Ski Area Lift Ticket Admissions Tax in the upcoming November 8, 2016 election;

WHEREAS, the Eagle County Clerk and Recorder (the "County Clerk") will be conducting the November 8, 2016 General Election (the "Election");

WHEREAS, any tax increase implicates the Taxpayers' Bill of Rights (TABOR) contained in Article X, § 20 of the Colorado Constitution and requires additional mailings that can be more easily performed by the County Clerk;

WHEREAS, the Town and Eagle County desire to enter into an Intergovernmental Agreement ("IGA") outlining the responsibilities of the County Clerk and the Town Clerk related to a coordinated election; and

WHEREAS, The Council's approval of Resolution No. 26, Series of 2016, is required to enter into an IGA.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF VAIL, COLORADO:**

1. The Council hereby approves the IGA and authorizes the Town Manager to enter into the IGA on behalf of the Town in substantially the same form as attached hereto as Exhibit A and in a form approved by the Town Attorney.

2. This Resolution shall be effective immediately upon adoption.

INTRODUCED, READ, APPROVED AND ADOPTED this 16th day of August, 2016.

Dave Chapin, Mayor, Town of Vail

ATTEST:

Patty McKenny, Town Clerk

**Eagle County
Intergovernmental Agreement
November 8, 2016 General Mail Ballot Election**

This Agreement is made and entered into the ____ day of _____, 2016 between Eagle County and **The Town of Vail** (hereinafter referred to as 'Political Subdivision'), concerning the administration and the conduct of the **November 8, 2016 General Election (the "Election")**.

Coordinated and Designated Election Officials

Except as otherwise provided in this Section, the Eagle County Clerk and Recorder (the "County Clerk") shall act as the Coordinated Election Official for the conduct of the Election for the Political Subdivision for all matters in the Uniform Election Code which require action by the Coordinated Election Official. The Political Subdivision shall name a 'Designated Election Official' who shall act as the primary liaison between the Political Subdivision and the County Clerk and who will have responsibility for the conduct of the Election procedures to be handled by the Political Subdivision. Nothing herein shall be deemed or construed to relieve the County Clerk or the Governing Body of the Political Subdivision from their official responsibilities for the conduct of the Election.

Jurisdictional Limitation

This Agreement shall apply only to the portion of the Political Subdivision within the boundaries of Eagle County.

County Clerk Responsibilities

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

1. Adhere to all applicable provisions of C.R.S. Title One, Federal law related to elections and Colorado Secretary of State Rules.
2. Perform all services necessary for voting in Eagle County's elections, including but not limited to, pre and post-election testing of voting equipment, preparation of mail-in and voter ballot materials, receipt and processing of applications for voter registrations, receipt and processing of overseas and military voter applications for ballot delivery, timely mailing of ballots, tabulation of votes and certification of results.
3. Provide four locations for Voter Service and Polling Centers throughout the County during all Elections.
4. Provide the Political Subdivision an itemized statement of the costs for performing the tasks by the County Clerk hereunder no later than 60 working days following the Election. Exercise all reasonable diligence, care and control in providing these services to the Political Subdivision.

Exhibit A

5. Give assistance and information to the Designated Election Official of the Political Subdivision on any matter to ensure the smooth and efficient operation of the Election (such information not to include legal advice).
6. Additional responsibilities related to certain Special Districts (the "District") in which non-resident property owners may be eligible to vote:
 - a. Send property owner ballots to non-resident voters who have returned the self-affirming oath. (Oath will be included in the District Specific Tabor Notice mailing)
 - b. The self-affirming oath or affirmation is included as Appendix E.
 - c. Record on a spreadsheet each property owner mailed and returned.
 - d. Tabulate and certify results for these special elections.

Political Subdivision Responsibilities

The Political Subdivision shall perform the following services and activities:

1. Identify a 'Designated Election Official' to act as liaison between the Political Subdivision and the County Clerk.
2. Determine the ballot issues to be voted upon at the Election.
3. Determine the ballot title and text. Ballot titles shall begin, "SHALL (DISTRICT) TAXES BE INCREASED (first, or if phased in, final, full fiscal year dollar increase) ANNUALLY?" or "SHALL (DISTRICT) DEBT BE INCREASED (principal amount), WITH A REPAYMENT COST OF (maximum total district cost)?"
4. Be solely responsible for the accuracy, grammar and spelling of all ballot titles and text.
5. Exercise all reasonable diligence, care and control in providing these services to the County Clerk.
6. Review district street locator list; Appendix C, and alert County Clerk to any necessary edits and certify the accuracy of the list on the Statement of Certification; Appendix D.
7. Give assistance and information to the County Clerk on any matter to ensure the smooth and efficient operation of the Election (such information not to include legal advice).
8. Adhere to all applicable provisions of the Colorado Revised Statutes which are necessary or appropriate to the performance of the above duties.
9. Assist with equipment logic and accuracy testing and post-election canvass and audit as requested.
10. Additional Responsibilities for Districts with Non-Resident Eligible Voters
 - Request district property owner list from county assessor's office and provide one spreadsheet with two worksheets. The first worksheet will include all property owners along with their residential and mailing addresses. The second worksheet will separate mailing addresses which are outside of Eagle County no later than September 19, 2016.

Exhibit A

Call and Notice

The County Clerk will publish one notice and sample composite ballot and Notice of Election as required by C.R.S. 1-5-205 of the Uniform Election Code in the Eagle Valley Enterprise and the Aspen Times Weekly no later than 20 days prior to the Election (Appendix B).

This notice and sample composite ballot will also be posted on the Eagle County website no later than 20 days prior to the Election.

Petitions: Preparation and Verification

The Political Subdivision shall be responsible for the petition process in compliance with applicable Colorado statutes, ordinances, or charter provisions. This process includes, but is not limited to, providing petitions, approving the candidate or initiative petitions to be circulated within the Political Subdivision, and receiving the petitions.

The County Clerk shall be responsible for approving the form of petitions and verifying the eligibility of petition signatures.

Ballot Certification Format Requirements

The Political Subdivision is responsible for furnishing the text of the ballot to the County Clerk at least 60 days before the Election in final written form using the format requirements specified in Appendix A. The Political Subdivision assumes all responsibility and cost for any judicial proceedings regarding whether or not issues legally belong on the ballot. The list of candidates/questions must be typed exactly as it is to appear on the ballot, including correct order. For candidates, specify titles of offices, the order of the names to appear for each office and the order of offices. For issues, specify the ballot title, and the order of the issues. Wording shall be in upper and lower case except as is dictated by law (e.g., TABOR Amendment). The Political Subdivision has the responsibility to proofread and edit the text of the official ballots before the County Clerk will authorize printing of the ballots. From the time of receipt of the ballot proof, the Political Subdivision has 24 hours to proofread, correct if necessary, sign and return the proof to the County Clerk and its failure to disapprove and correct errors within that time shall constitute an approval of the ballot proof. After final approval of the ballot text the Political Subdivision assumes all responsibility and cost for any judicial proceedings related to any errors within the text of their issue or race on the printed ballots.

Political subdivision will provide ballot language in English and is encouraged to also provide Spanish translations.

Exhibit A

TABOR Notice

Each Political Subdivision shall provide an opportunity for all comments concerning ballot issues to be summarized as required by Article X, Section 20 of the Colorado Constitution. The Designated Election Official shall transmit the summaries and any other required material to the County Clerk no later than 42 days before the Election in final written form in accordance with the specifications required in Appendix A. Submissions not meeting these requirements will be rejected by the County Clerk.

Political Subdivision shall:

1. Include, within its Ballot Issue Notice (TABOR Notice; Article X, Section 20 of the State Constitution), ballot titles in this order of preference:
 - Citizen Petitions:
 - i. Notice of Election to Increase Taxes
 - ii. Notice of Election to Increase Debt
 - Referred Measures:
 - i. Notice of Election to Increase Taxes
 - ii. Notice of Election to Increase Debt
2. Title the Tabor Notice with "NOTICE OF ELECTION TO INCREASE TAXES / TO INCREASE DEBT / ON A CITIZEN PETITION / ON A REFERRED MEASURE" according to the type of Tabor question.
3. Provide the Political Subdivision's completed TABOR Notice to Teak J. Simonton, County Clerk in the format described in Appendix A. This notice must be provided in English and it is recommended that a Spanish translation also be provided.

The County Clerk shall:

1. The County Clerk shall be responsible for mailing the notice required by Article X, Section 20(3) (b) in the most cost effective manner feasible to all registered Eagle County voters.
2. Combine the text of the TABOR Notices produced by the Political Subdivision with those of other political subdivisions to produce the TABOR Notice packet.
3. Include in the TABOR Notices mailed to each household where one or more eligible electors reside, voter notification information which will include household address, precinct number, the specific election being noticed and other applicable information.
4. Include in the TABOR Notice the Self Affirming Oath with explanation to voters about who is eligible to apply for these property owner ballots.
5. Address the packet to 'All Registered Voters' at each address of one or more active registered electors within the Political Subdivision. Nothing herein shall preclude the County Clerk from sending the TABOR

Exhibit A

Notice to persons other than active electors of the Political Subdivision if such sending arises from the County Clerk's efforts to mail the TABOR Notice packet at 'least cost'.

6. Be responsible for placing the TABOR Notices received from the various political subdivisions participating in the Election in the proper order in the TABOR Notice packet. As nearly as practicable, the notice shall be in the order the ballot issues will appear on the ballot.
7. Mail the TABOR Notice packet, addressed as required by law, at least 30 days before the Election.

Costs

The County Clerk shall keep a careful and accurate accounting of all chargeable items to the Political Subdivision and shall submit to the Political Subdivision, a statement of charges (for costs incurred by the County and not billed directly to the Political Subdivision by an outside vendor) within sixty (60) work days following the date of the Election (Appendix B). Costs shall include but are not limited to: election judges and other associated personnel, ballots and related election forms, printing, election supplies, legal notices paid for the County, postage, rental charges, technical support, and TABOR Notice printing and mailing.

The County Clerk shall charge each Political Subdivision taking part in the General Election on a prorated basis based primarily on the number of ballot issues, active voters Property Owner Election supplemental fees and/or items to be included on the ballot for each Political Subdivision. In the event that additional costs are incurred, the Political Subdivision promulgating such costs will be charged accordingly.

The County Clerk shall charge each Political Subdivision for costs relating to the TABOR Notice on a prorated basis based on the number of ballot issues and/or items to be included in said notice for each Political Subdivision. In the event that additional costs are incurred, the Political Subdivision promulgating such costs will be charged accordingly.

There will be a surcharge for coordination and administration of non-resident, property owner ballot mailing of \$1000.00.

The minimum charge for coordinating the Election with the County Clerk shall be \$500.00.

The Political Subdivision shall remit all payments due to the County upon receipt of an itemized statement.

Exhibit A

Street Locator List

Appendix C to this Agreement is a copy of the Street Locator List for the Political Subdivision. It is the responsibility of the Political Subdivision to review the list and correct any errors. A Statement of Certification, Appendix D, must be signed by the Designated Election Official for the Political Subdivision and returned to the County Clerk along with any changes to the Street Locator List, accompanied by the signed Intergovernmental Agreement 70 days prior to the Election, **August 30, 2016**. (Appendix B)

Appointment and Training of Election Judges

All Election Judges shall be appointed and trained by the County Clerk. In the event that additional Judges are needed, the Political Subdivision may be required to provide one individual to serve in that capacity.

Testing and Tabulation

Processes relating to the tabulation of ballots shall be the responsibility of the County Clerk. An unofficial abstract of votes will be provided to the Political Subdivision upon completion of the counting of all ballots.

Canvass of Votes

The canvass of votes will be conducted by the Board of Canvassers appointed by the County Clerk. Such canvass will be completed no later than seventeen (17) days after the Election (**November 25, 2016**) and official results of the canvass will be provided to all Political Subdivisions participating in the Election. Any additional Certificates of Election which are required by law to be forwarded to another division of government shall be the responsibility of the Political Subdivision.

Indemnification

The Political Subdivision agrees to indemnify, defend and hold harmless the County, its officers and employees, from any and all losses, costs, demands or actions, arising out of or related to any actions, errors or omissions of the Political Subdivision in completing its responsibilities relating to the Election and related tasks.

Exhibit A

Cancellation

In the event that the Political Subdivision, after the signing of this Agreement and on or before the day of the Election, resolves not to hold the Election, notice of such resolution shall be provided to the County Clerk immediately. The Political Subdivision shall provide notice by publication (as defined in the Code) of the cancellation of the Election and a copy of the notice shall be posted in the Office of the County Clerk, in the office of the Designated Election Official (as defined in the Code), in the primary building of the Political Subdivision, and, if the Political Subdivision is a special district, in the office of the division of local government. The Political Subdivision shall not cancel the election after the 25th day prior to the Election (Appendix B).

The Political Subdivision shall be responsible for all expenses incurred on its behalf to the date that notice was received by the County Clerk together with all expenses incurred thereafter which could not be avoided by reasonable effort. All costs incurred or contracted for by the County Clerk to support the Political Subdivision's portion of the TABOR Notice shall be reimbursed by the Political Subdivision.

Upon receipt of the invoice the Political Subdivision 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.

Reasonable Care

The County and its employees, agents, representatives, or other persons acting under the direction or control of the County shall use reasonable care in carrying out their obligations under this Agreement.

Notices

Any and all notices required to be given by this Agreement are deemed to have been received and to be effective:

- three days after they have been mailed by certified mail, return receipt requested to the address as set forth below;
- immediately upon hand delivery to Teak J. Simonton, County Clerk,; or
- immediately upon receipt of confirmation that a fax or e-mail was received;

To County Clerk: Teak J. Simonton
Eagle County Clerk and Recorder
500 Broadway
P.O. Box 537
Eagle, CO 81631
Fax: 970-328-8716

Appendix A

Requirements for Formatting Submissions

November 8, 2016 General Mail Ballot Election Intergovernmental Agreement

Media	<ul style="list-style-type: none">• Email attachment of Word document OR• compact disk (CD)
Software	Word version 2003 or above
Text	Times New Roman
Spacing	Single, no spaces between lists and paragraphs
Tables/Columns/Bullets Strikethroughs	Bullets, dashes, bold and underlined text are all acceptable.
Printout	A hard copy must be submitted with the electronic version with the file name clearly noted on the first page.
Labeling	Name of political subdivision and date of election

Appendix B
CALENDAR OF EVENTS AND DEADLINES
for
NOVEMBER 8, 2016 GENERAL MAIL BALLOT ELECTION

**While this calendar may not include all significant dates,
some key dates are identified for your reference.**

Special districts and political subdivisions planning to coordinate with the clerk's office should be aware of the following deadlines:

- **July 28, 2016** If by 100 days before the election, a political subdivision has taken formal action to participate in an election that will be coordinated by the county clerk and recorder, the political subdivision shall notify the county clerk and recorder in writing. C.R.S. 1-7-116(5)
- **August 8 2016** IGA's will be mailed to participating entities
- **August 30, 2016** 70 Days prior - Political subdivisions participating in the election must return signed Intergovernmental Agreements to the county clerk and recorder. C.R.S. 1-7-116(2)
- **September 9, 2016** 60 Days prior - Last day for the designated election official from each political subdivision to certify the ballot text to the county clerk and recorder. C.R.S. 1-5-203(3)(a)
- **Week of September 19, 2016** Equipment and Logic and Accuracy Testing
- **September 27, 2016** 42 Days prior – Political subdivisions shall deliver the full text of any required ballot issue notices (pro/con statements) to the county clerk and recorder in order to be included in the issue mailing. C.R.S. 1-7-904
- **October 14, 2016** Last date to for political subdivision to cancel election or withdraw ballot issue or question. C.R.S. 1-5-208(2)
- **October 19, 2016** No later than 20 days prior to Election Day, the County Clerk will publish notice of election.
- **October 17th** - Ballot mailed
- **October 31st** – Deadline to mail ballots. After this date voters have the option of picking up ballots in person at any Voter Service and Polling Center.
- **October 17, 2016** 24-hour ballot drop boxes and interior ballot boxes available in Avon, Eagle and El Jebel Clerk and Recorder locations.
- **October 24 – November 8, 2016** Voter Service and Polling Centers open in all county clerk locations.
- **November 8, 2016** Election Day – First Tuesday following the first Monday of November.
- **November 25, 2016** Deadline to certify election results. Official results will be forwarded to political subdivisions.

Please keep this list of dates for your reference.

Appendix C
Street Locator List
For The Town of Vail
(Spreadsheet of individual District street addresses)
For November 8, 2016 General Mail Ballot Election

Please see enclosed CD.

Appendix D

**Eagle County
Intergovernmental Agreement
November 8, 2016
General Mail Ballot Election**

Statement of Certification – Street Locator List

I, _____, as Designated Election Official for _____, (hereinafter "Political Subdivision") do hereby certify that the Street Locator List provided to the Political Subdivision has been reviewed, corrections made, and to the best of my knowledge I believe it is a true and complete list of the addresses located within the Political Subdivision.

Designated Election Official

Date

for _____
Town of Vail

Appendix E

Self-Affirming Oath
Eligible Non-Resident Property Owners for Certain Special Districts
For
November 8, 2016 General Mail Ballot Election

I, _____, who reside at _____,

am an elector of this (name of special district) _____ district

and desire to vote at this November 8, 2016 Election. I do solemnly swear (or affirm) that I am

registered to vote in the state of Colorado and qualified to vote in this special district election as:

____ The owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district; or

____ A person who is obligated to pay taxes under a contract to purchase taxable property in the special district or the area to be included within the special district; or

____ The spouse of (name of spouse) _____ who is the owner of taxable real or personal property situated within the boundaries of the special district or area to be included within the special district.

I have not voted previously at this election.

Date: _____

Signature of elector: _____

Date of birth: _____*

***NOTE TO ELECTOR: The Clerk and Recorder must verify your eligibility at the address listed above through the statewide voter registration database. Should the verification be unclear due to similar names or inaccurate physical addresses additional identifying information may be needed. Please provide your date of birth to assist with this verification:**