

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2019-14

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL AUTHORIZING THE COORDINATION OF THE NOVEMBER 5, 2019 ELECTION WITH GARFIELD COUNTY, APPROVING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE SAME, AND SETTING FORTH OTHER DETAILS RELATING THERETO.

WHEREAS, the Town of New Castle (the “Town”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter; and

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

WHEREAS, Article II, Section 2.1 and 2.6 of the Town Charter provides that Town elections shall be governed by the Colorado municipal election law; and

WHEREAS, Section 31-10-102.7, C.R.S., of the Colorado Municipal Election Code provides that a municipality may provide by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992; and

WHEREAS, the County Clerk and Recorder (the “County Clerk”) in Garfield County (the “County”) will conduct the election on November 5, 2019, as a coordinated election (the “Election”); and

WHEREAS, the Council is considering whether to submit certain ballot questions to the registered electors of the Town and will make a decision and adopt the language for any such ballot questions prior to the deadline of September 6, 2019; and

WHEREAS, the Town Council wishes to hold a mail ballot election regarding said candidates and questions on November 5, 2019, in conjunction with the Election being conducted by the County; and

WHEREAS, pursuant to the Colorado Constitution Article XIV, Section 18(2)(a), and C.R.S. §§ 29-1-203 and 1-7-116(2), as amended, the Town and the County Clerk are required to enter into an agreement to conduct a coordinated election; and

WHEREAS, the Intergovernmental Agreement attached hereto as Exhibit A (“IGA”) regarding the conduct of the coordinated election has been received from the Clerk; and

WHEREAS, Section 14.4 of the Town Charter requires that all intergovernmental agreements be approved by ordinance or resolution; and

WHEREAS, pursuant to C.R.S 1-7-116(2), as amended, the agreement shall be signed no later than seventy (70) days prior to the scheduled election.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof directed towards the Election and the objects and purposes herein stated are ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in Section 1-1-104, C.R.S.

Section 2. The Election shall be conducted as a coordinated election pursuant to the Uniform Election Code of 1992, as amended, specifically including the mail ballot procedures set forth in Article 7.5 of Title 1 of the Colorado Revised Statutes. The Election shall also be conducted in accordance with the provisions of the IGA that is hereby approved. The County Clerk shall be the Coordinated Election Official and shall conduct the election on behalf of the Town.

Section 3. The Council hereby appoints the Town clerk as its Designated Election Official for the purposes of the IGA, the Election, and the Uniform Election Code. The Town clerk or any other officer of the Town is hereby authorized to enter into the IGA or any other agreement with the Clerk pursuant to Section 1-7-116, C.R.S. Any intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 4. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 5. The clerk, officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 6. If any portion of this resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this resolution. The Town Council hereby declares that it would have passed this resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. All other resolutions or portions thereof inconsistent or conflicting

with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, APPROVED AND ADOPTED at a regular meeting of the Town Council of the Town of New Castle, Colorado on August 20, 2019.



TOWN OF NEW CASTLE TOWN
COUNCIL

A handwritten signature in black ink, appearing to read 'Art Riddile', written over a horizontal line.

Art Riddile, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Mindy Andis', written over a horizontal line.

Deputy Town Clerk Mindy Andis, CMC

EXHIBIT A

(Notice of the Meeting of August 20, 2019)



Town of New Castle
450 W. Main Street
PO Box 90
New Castle, CO 81647

Administration Department
Phone:(970) 984-2311
Fax: (970) 984-2716
www.newcastlecolorado.org

Posted: _____

Remove: _____

Agenda

New Castle Town Council Regular Meeting

Tuesday, August 20, 2019, 7:00 PM

Starting times on the agenda are approximate and intended as a guide for Council.
The starting times are subject to change by Council, as is the order of items on the agenda.

Call to Order

Pledge of Allegiance

Roll Call

Meeting Notice

Conflicts of Interest

Agenda Changes

Citizen Comments on Items not on the Agenda

-Comments are limited to three minutes-

Consultant Reports

Consultant Attorney

Consultant Engineer

Items for Consideration

- A. Update: Public Works Director John Wenzel (7:05 p.m.)**
- B. Consider a Special Events Liquor License Application from the Town of New Castle for Burning Mountain Festival and the Chili Cook-Off (7:15 p.m.)**
- C. Consider A special Events Liquor License Application from the Town of New Castle for the Corn Hole Tournament (7:20 p.m.)**
- D. Consider Grants to Outside Agencies (7:25 p.m.)**
- E. Discussion: Potential Ballot Language (7:40 p.m.)**

- F. Executive Session (1) to discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest under C.R.S. Section 24-6-402(4)(a); and (2) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) and concerning town-owned property (8:00 p.m.)**
- G. Consider Resolution TC 2019-16 – Approving a Contract to Buy and Sell Real Estate Owned by the Town (8:30 p.m.)**
- H. Consider Ordinance TC 2019-6 – Authorizing the Sale of Real Property Owned by the Town (First Reading) (8:40 p.m.)**
- I. Consider Approval of a Settlement Agreement with Lakota Ridge Senior Housing, LLP (8:45 p.m.)**
- J. Review of outgoing letters to residents (9:15 p.m.)**

Consent Agenda

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

- Resolution TC 2019-12 - Supporting an FMLD Mini Grant Application for Police Equipment
- Resolution TC 2019-13 - Supporting an FMLD Traditional Grant Application for The Construction of a Bulk Water Station
- Resolution TC 2019-14 - Authorizing the November 5, 2019 Coordinated Election
- Resolution TC 2019-15 - Supporting a Joint FMLD Grant Application for the LoVa Trail

Staff Reports

- Town Administrator
- Town Clerk
- Town Planner
- Public Works Director

Commission Reports

- Planning & Zoning Commission
- Historic Preservation Commission
- Climate Action Advisory Committee
- Senior Program
- RFTA
- AGNC
- GCE
- EAB

Council Comments

Adjourn

STATE OF COLORADO)
)
 COUNTY OF GARFIELD) SS.
)
 TOWN OF NEW CASTLE)

I, Mindy Andis, the Deputy Town Clerk of the Town of New Castle, Colorado, do hereby certify:

1. That the foregoing pages are a true, perfect, and complete copy of the resolution (the "Resolution") adopted by the Town Council, constituting the governing board of the Town of New Castle (the "Town Council"), by vote had and taken at an open, regular meeting of the Town Council held at the Town Hall on August 20, 2019, as recorded in the regular book of official records of the proceedings of said Town of New Castle kept in my office.

2. That the Resolution was read by title, duly moved and seconded and the Resolution was approved by a majority of the members of the Town Council present at the regular meeting of the Town Council held at the Town Hall, on August 20, 2019, as follows:

Name	"Yes"	"No"	Absent
Art Riddile, Mayor	✓		
Grady Hazelton, Mayor Pro Tem	✓		
Brandy Copeland	✓		
Graham Riddile	✓		
Crystal Mariscal			✓
Scott Owens			✓
Bruce Leland			✓

3. There are no bylaws, rules or regulations of the Town Council which might prohibit the adoption of said Resolution.

4. Attached hereto as Exhibit A is a copy of the notice of the meeting on August 20, 2019, which notice was posted in at least one place within the Town at least 24 hours before the meeting.

WITNESS my hand and the seal of said Town affixed this August 20, 2019.

Mindy Andis, CMC
 Deputy Town Clerk

(SEAL)