

**TOWN OF NEW CASTLE, COLORADO  
RESOLUTION NO. TC-2022-22**

**A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL AUTHORIZING THE  
COORDINATION OF THE NOVEMBER 8, 2022 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 8, 2022, 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 9, 2022; and

**WHEREAS**, the Town Council wishes to hold a mail ballot election regarding said candidates and questions on November 8, 2022, 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 16, 2022.

TOWN OF NEW CASTLE TOWN  
COUNCIL

  
Art Riddile, Mayor

ATTEST:

  
Town Clerk Melody Harrison, CMC



**COPY**

Received 8/17/22  
JR

**INTERGOVERNMENTAL AGREEMENT CONCERNING ELECTION SERVICES FOR THE  
November 8, 2022 General Election**

This intergovernmental agreement ("IGA" or "Agreement") is made effective this 23<sup>rd</sup> day of August, 2022, between the Garfield County Clerk and Recorder ("Clerk") and THE Town of New Castle, Colorado (Political Subdivision").

The Political Subdivision desires to conduct an election pursuant to its statutory authority ("Election"), The election will occur on November 8, 2022.

An agreement concerning the preparation, conduct and actual cost of a coordinated election is required. This agreement must be signed no later than August 30s, 2022. C.R.S. §1-7-116(2)

The Clerk has agreed to perform the following election services in consideration of the performance by the Political Subdivision of its obligations and payment of costs and fees.

The Clerk has designated Rachel Weishaar, Election Supervisor, whose telephone number is (970) 384-3700 x 1770 as the staff member to function as the primary liaison between the Clerk and the Political Subdivision for the purposes of the Election. The Contact Officer shall act under the authority of the Clerk.

The Political Subdivision has designated Melody Harrison, Town Clerk whose phone number is (970) 984-2311 ext. 101 as its Designated Election Official ("DEO"). The DEO shall function as the primary liaison between the Political Subdivision and the Clerk. C.R.S. §1-1-104(8)

If the Political Subdivision encompasses territory within other counties, this Agreement shall apply only to that portion of the Political Subdivision within Garfield County.

NOW, THEREFORE, in consideration of their mutual promises contained herein, the parties agree as follows:

**I. Duties of the Clerk**

The Clerk agrees to perform the following duties, or such other duties as may be mutually agreed upon by the parties in writing, in connection with the Election:

**A. Preparation for the Election**

1. Provide the Political Subdivision a street locator file, which lists the street addresses located in the boundaries of the Political Subdivision within the Clerk's voter registration system. If the Political Subdivision encompasses the entire county, a street locator file will not be sent for verification.
2. Assist and inform the Political Subdivision on any matter that should ensure the efficient preparation and conduct of the Election. The Clerk shall not provide legal advice.
3. Manage all voter records and correspondence in accordance with Title 1 of the Colorado Revised Statutes and the Colorado Secretary of State Election Rules for the relevant year of the Election.
4. Supply, deliver and set up all necessary items for the conduct and preparation of the Election.
5. Certify the election judges and determine their compensation. Provide a list of election judges upon request by the Political Subdivision. Train election judges prior to the election, including specific instruction in the secure operation of the election equipment. C.R.S. §1-6-101(6), C.R.S. §1-6-104, C.R.S. §1-6-115
6. Provide, no later than twenty days before the Election, notice of election by publication for the 2022 General Election conducted as a Mail Ballot Election with in-person options for voting at Voter Service &

Polling Centers. Such notice shall satisfy the publication requirement for all Political Subdivisions participating in the Election. C.R.S. §1-5-205(1), C.R.S. §1-5-205(1.4)

7. Conduct all required tests and audits of the voting system prior to and after the Election C.R.S. §1-7-509(1), Secretary of State Election Rules.
8. Establish backup procedures and a backup site for the counting of the Election, should the counting equipment or location become unavailable during the count. Secretary of State Election Rules
9. Negotiate an agreement for the printing of the official ballots. After receipt from the Political Subdivision of the certified ballot content (per Section II.A.8 of this Agreement), the Clerk shall provide a copy of the ballot layout for proofreading before authorization to begin printing of all ballots.

## **B. Conduct of the Election**

1. Mail ballot packets will be sent to all eligible active voters beginning October 17<sup>th</sup> thru October 21<sup>st</sup>. Then daily after that through Monday, October 31<sup>st</sup>.
2. Coordinate the proper number and location of Voter Service & Polling Centers. All Voter Service & Polling Centers will be accessible to electors with disabilities. Voter Service & Polling Centers and ballot drop off locations for the election are published on our website at: [www.garfield-county.com](http://www.garfield-county.com). C.R.S. §1-5-101, C.R.S. §1-5-102.9 C.R.S. §1-5-703
3. Provide for the security and processing of all mail-in ballots. Provide for the verification of signatures on the self-affirmation section on the return envelopes. C.R.S. §1-7.5-107.2, C.R.S. §1-7.5-107.3, C.R.S. §1-7.5-107.5
4. Facilitate special accommodations for all registered military and overseas citizens as provided by the Uniform Military and Overseas Voter Act. Section 8.3 of Title 1 of the Colorado Revised Statutes
5. Provide provisional ballots to electors who qualify. Provide a telephone number that a provisional voter may call to inquire if their provisional ballot counted. C.R.S. §1-8.5-101, C.R.S. §1-8.5-104(6)
6. Provide a multilingual ballot if requested by a voter who appears in person at a Voter Services and Polling Center during early voting or on election day. Garfield County will engage the services of a certified translator for translation of each participating Political Subdivisions certified ballot question(s). C.R.S. §1-5-905 and §1-5-907.
7. Provide properly trained personnel for the preparation and conduct of the Election. Provide personnel at the tabulation center on Election Day/Night to release unofficial results.
8. Preserve all Election records for at least twenty-five months after the election. C.R.S. §1-7-802, Clerk and Recorder Record Retention Policy
9. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount or if an interested party requests a recount. Section 10.5 of Title 1 of the Colorado Revised Statutes
10. Conduct a Canvass and Risk-Limiting Audit of the election to process, accept and tabulate the eligible military, cured, and provisional ballots received the eighth day after the election. Verify the votes were accurate and voting equipment was working properly by conducting a risk-limiting audit of election results and through the Canvass Board. C.R.S. § 1-10-101, *et seq.*, C.R.S. § 1-10-201, *et seq.*, Secretary of State Election Rules.
11. Provide, maintain, and operate the County's ballot marking devices and vote-counting equipment.

12. Work with the Political Subdivision to make sure that eligible Property Owners are notified of an election in their district and are instructed on how they can apply for a mail ballot. C.R.S. §32-1-806, C.R.S. §1-5-304, C.R.S. §1-7-104

### **C. Election Costs**

1. Keep an accurate account of all Election costs including, but not limited to, supplies, printing costs, legal notices, labor, postage, translation services and other expenses attributable to the Clerk's administration of the Election for the Political Subdivision. The minimum charge for participation in a coordinated election by any political subdivision is \$500.
2. Charge the Political Subdivision for its portion of the costs of the Election incurred by the Clerk for that Political Subdivision up to and including the date of cancellation of the Election or any additional costs related to removing the Political Subdivision from ballot programming or publications.
3. Submit to the Political Subdivision an invoice for all expenses incurred under this Agreement within 60 days of the election.
4. The cost of any recount(s) requested by the Political Subdivision will be charged to the Political Subdivision, or if more than one Political Subdivision participates in the recount, the cost will be prorated among the participating Political Subdivisions.

### **D. TABOR Notice**

1. Prepare the TABOR Notice, if relevant. Article X Section 20 of the Colorado Constitution, Secretary of State Election Rules
2. Charge the Political Subdivision for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses shall be prorated among all Political Subdivisions participating in the TABOR notice.
3. Mail to each elector within Garfield County who may be affected by certain TABOR ballot issues the TABOR notice not less than thirty days prior to the election. The Clerk shall determine the least cost method for mailing the TABOR notice and address the TABOR notice to "All Registered Voters" at each address where one or more active registered voters of the Political Subdivision reside. Nothing herein shall preclude the Clerk from sending the TABOR Notice of the Political Subdivision to persons other than electors of the Political Subdivision if such sending arises from the Clerk's efforts to mail the TABOR Notice at least cost.
4. Execute a separate IGA with the Political Subdivision referred to as Attachment 1 to produce the ballot notice referred to as the TABOR Notice.

## **II. Duties of the Political Subdivision**

The Political Subdivision shall perform the following duties in connection with the Election:

### **A. Preparation for the Election**

1. Post and/or publish any other legal notices required pursuant to relevant provisions of the Uniform Election Code of 1992 (C.R.S. Articles 1-13 of Title 1) or the Colorado Municipal Code of 1965, §31-10-101, *et seq.*, C.R.S., or Title 32, as amended, except as otherwise stated by this agreement.
2. Gather all necessary petitions, if applicable.

3. Be solely responsible for determining whether a ballot issue, question or candidate is properly placed before the voters.
4. Review the information contained in the street locator file and certify its accuracy, as well as any changes, additions, or deletions to the file. The certification of the street locator file shall be made no later than September 16, 2022 at 5:00 p.m. to the Clerk. If the certification is not provided by the date specified herein, the Clerk cannot guarantee accurate ballot styles nor be responsible for additional charges associated with address library errors resulting in incorrect ballot styles. If the Political Subdivision encompasses the entire county verification of the address locator file is not required.
5. If required, request the Property Owner list from the Garfield County Assessor's Office to prepare the list of eligible property owners for the election. Provide the Clerk with the list of eligible property owners who are classified on the Secretary of State's voter registration records as UOCAVA voter no later than September 12, 2022. A supplemental list should be requested from the County Assessor's office thirty days prior to the election to determine if there are new property owner's eligible to vote. The supplemental property owner list should be provided to the Clerk no later than October 14, 2022.
6. The Clerk will not automatically mail ballots to eligible property owners as found on the list submitted to the County Clerk on Sept 16, 2022 but will send a letter giving notice of the upcoming election with an application for a mail ballot to these eligible property owners. This letter will be mailed at the same time as the TABOR Notice.
7. Provide a certified copy of the ballot content, submitted as an email attachment to [eplace@garfield-county.com](mailto:eplace@garfield-county.com) in the format requested below, at the earliest possible time and in any event no later than sixty days before the election, September 9, 2022 at 5:00 p.m. Ballot content (candidates, issues and questions) to be exactly in the order of appearance on the ballot pages and sample ballots. The certified list of candidates, ballot issues and/or ballot questions shall be final, and the Clerk will not be responsible for making any changes after the certification. C.R.S. §1-5-203(3)(a)
  - Candidates/ ballot issues and/or ballot questions must be submitted electronically in Microsoft Word format.
  - Certified content for ballot questions should be no longer than 250 words. Bullets are allowed but no sub bullets.
  - If certifying a ballot title with the question(s), please limit the title to ten words or less.
  - Contact Edna Place at 970-384-3700 x 1804 with any questions about submission format. Garfield County is using a new voting system (Clear Ballot), so you do not have to submit the ballot content in notepad format ever again.
  - Provide audio pronunciation of all candidates' names if applicable.
8. Garfield County must now provide a multilingual ballot if requested by a voter who appears in person at a Voter Services and Polling Center during early voting or on election day. Please submit the proposed language for the ballot question(s) as soon as possible even if you are not ready to certify the ballot content. Garfield County will work with a certified translator to translate the ballot question(s) into Spanish. The multilingual ballot will be sent for your approval but at later date than the English Ballot is sent for approval. C.R.S. §1-5-905 and §1-5-907
9. Proofread and approve the Political Subdivision's ballot content for printing preferably the same day of receipt of the ballot proof from the Clerk. The Political Subdivision shall provide an e-mail address and designate a person to be available for proofing and approving ballot content for printing and audio files of pronunciation of candidates' names if applicable. Due to limited printing availability and time constraints, the Political Subdivision should provide contact information for someone who may be available from 8:00 a.m. to 5:00 p.m. from September 12, 2022 or until final approval for the printing of ballots has been reached. If no one representing the Political Subdivision is available and the printing timeline requires it, the ballot will go to print without Political Subdivision approval. The Clerk shall not be responsible for any errors or omissions because of the Political Subdivision's failure to proofread the ballot. The Political Subdivision has designated Melody Harrison, Town Clerk, whose phone is (970)984-

2311 ext. 101 and e-mail is [mharrison@newcastlecolorado.org](mailto:mharrison@newcastlecolorado.org) to be available for ballot proofing.

10. The Political Subdivision may assign a representative to witness the logic and accuracy testing prior to the election, the risk limiting audit after the election and the canvass board certification of the election. The canvass board and risk limiting audit board will be made up of representatives appointed by the Chairperson of the Garfield County Republican and Democratic parties and the County Clerk.
11. Notify the Clerk if the Political Subdivision is a municipality which has provided by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to the Election. A copy of said ordinance or resolution will be provided to the Clerk either when the IGA is returned, or the ballot content is certified to the County Clerk.
12. When the Political Subdivision is a special district, within thirty days after the special district has been declared organized by the court, the Political Subdivision will transmit to the county clerk and recorder in each of the counties in which the Political Subdivision or a part thereof extends certified copies of the findings and the order of the court organizing said special district. C.R.S. §32-1-306
13. Notify the clerk if the Political Subdivision resolves not to participate in the Election prior to the submission of ballot certification. After ballot certification day, a Political Subdivision that withdraws from participating in the election shall be liable for accrued election costs. The Political Subdivision shall provide notice by publication of the cancellation of the Election and a copy of the notice shall be posted in the office of the Clerk, in the office of the Designated Election Official (as defined in the Code) 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 twenty-fifth day prior to the election, October 14, 2022. C.R.S. §1-5-208(2).

#### **B. Conduct of the election**

1. Immediately notify the Clerk of any Election contest that is initiated by the Political Subdivision and keep the Clerk apprised of the need to retain Election records for use in such a contest.

#### **C. TABOR Notice**

1. Be responsible for the additional costs associated with such TABOR Notice if notice is required on behalf of the Political Subdivision. (See also Section I.D.2 of this Agreement).
2. Collect and compile the TABOR Notice content in compliance with Article X Section 20 of the Colorado Constitution and any pertinent Rules. Article X Section 20 (3)(b)(v), C.R.S. §1-7-901, *et seq.*
3. Provide all content for the TABOR Notice to the Clerk by Monday September 26, 2022 (43 days before the day of the election). C.R.S. §1-7-904.

### **III. Election Costs**

The minimum fee for election services is \$500.00.

1. Proportional share of costs is based on County expenditures relative to the Election, the number of electors per entity receiving ballots and the number of voted ballots returned to the County Clerk for processing, scanning, and tabulating.
2. The Political Subdivision acknowledges it has sufficient funds available in its approved budget to pay its prorated Election expenses.



3. Upon receipt of the invoice, pay to the Clerk within sixty days the prorated fee. Contact Officer, Rachel Weishaar, may be asked for an estimated cost of participating in this election.
4. The Political Subdivision will be responsible for any additional or unique election costs resulting from Political Subdivision delays and/or special preparations or cancellations relating to the Political Subdivision's participation in the Election.

#### IV. Additional Provisions

1. No portion of this Agreement shall be deemed to create a cause of action with respect to anyone not a party to this Agreement, nor is this Agreement intended to waive any privileges and/or immunities to the parties or of which their officers or employees may possess, except as expressly stated in this Agreement.
2. Time is of the essence under this Agreement. The statutory time frames or requirements of the Election Statutes, TABOR requirements found in the Constitution, and the Election Rules shall apply to the completion of any duties or tasks required under this Agreement. Failure to comply with the terms of this Agreement, statutory requirements, or Secretary of State Rules may result in consequences up to and including termination of this Agreement.

3. Timeline:

August 25, 2022	IGA signed and returned to Clerk
August 25, 2022	Address library sent to participating entities
September 9, 2022	Certified ballot content due to Clerk
September 12-15, 2022	Ballot proofing
September 16, 2022	Address Library Returned
September 19-20, 2022	Logic and Accuracy testing of voting equipment
September 23, 2022	Last Day for pro/con comments to be submitted to the Political Subdivision DEO by citizens by noon
September 24, 2022	Last day to send ballots to UOCAVA voters
September 26, 2022	TABOR Notice content submitted to County Clerk for creation of the TABOR Notice
September 27-28, 2022	TABOR Notice proofing
October 7, 2022	TABOR Notice Mailed
October 17-21, 2022	Ballots mailed to all active voters
October 24 to Nov 7, 2022	Voter Service & Polling Centers open for early voting Mon – Fri 8:30 am to 5:00 pm
October 24, 2022	Begin signature verification and ballot processing
October 31, 2022	Last day to register to vote or update an address and have

a ballot mailed

November 5, 2022	Saturday early voting hours at VSPCs 10 am to 2 pm
November 8, 2022	Election Day all VSPCs open 7 am to 7 pm
November 16, 2022	Last day to return ballots rejected for missing or discrepant signatures.
November 20-23 2022	Risk Limiting Audit
November 30, 2022	Last day to certify election results

4. Allocation of Cost of the Election is at the Clerk's determination and shall be final.
5. The Clerk may enter into other similar agreements with other Political Subdivisions for the conduct of other elections simultaneously.
6. Venue for any dispute hereunder shall be in the District Court of Garfield County, Colorado.
7. Any and all notices required to be given by this Agreement are deemed to have been received and to be effective: (1) three days after they have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a fax/email was received; to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To Clerk: Garfield County Clerk & Recorder  
Drop Off: 109 8<sup>th</sup> St., Suite 200 Glenwood Springs, CO 81601  
Mail: same as above  
Fax: 970-947-1078  
Email: rweishaar@garfield-county.com

To Political Subdivision: Town of New Castle  
Drop Off: 450 W. Main Street, New Castle, CO. 81647  
Mail: P.O. Box 90, New Castle, CO. 81647  
Fax: (970) 984-2716  
Email: mharrison@newcastlecolorado.org

8. The term of this IGA shall continue until all statutory requirements concerning the conduct of the election and the creation, printing, and distribution of the TABOR Notice, if needed, are fulfilled.
9. This IGA may be amended only in writing and following the same formality as the execution of the initial IGA.
10. In any event that any provision in this IGA conflicts with the Code or other statute, this IGA shall be modified to conform to such law. No resolution of either party to this Agreement shall impair the rights of

the Clerk or the Political Subdivision hereunder without the consent of the other party to this Agreement.

11. The Parties hereto understand and agree that the County, its commissioners, officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of the Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act (the CGIA), §24-10-101 to 120, C.R.S., or otherwise available to the County or the Political Subdivision. To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the County and the Political Subdivision agree that they will remain liable for their independent obligations under the CGIA, and neither party shall be the agent of the other or liable for the obligations of the other.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon the date first above written.

Garfield County Clerk & Recorder

Date: 8/23/2022

Jean M. Alberico  
Jean M. Alberico

Political Subdivision

Town of New Castle

Date: August 16, 2022

Mayor Art Riddle  
By Art B. Riddle  
Authorized Signature



ATTACHMENT 1

"AMENDMENT 1 NOTICE" (TABOR NOTICE)  
FOR 2022 November 8, General Election IGA

WHEREAS, the County Clerk and Recorder of Garfield County, Colorado ("County Clerk") and the Town of New Castle ("Political Subdivision"), (collectively, the "Parties"), have entered into an intergovernmental agreement to cooperate and contract for the purpose of conducting a coordinated election; and

WHEREAS, Const. Colo. Art. X, Sec. 20 ("TABOR") requires the production of a mailed notice of the ballot issues to be determined for the Political Subdivisions that are subject to the requirements of said constitutional section ("TABOR Notice"); and

WHEREAS the TABOR Notices of several jurisdictions are to be sent as a package where jurisdictions overlap ("TABOR Notice Package"); and

WHEREAS the need to produce the TABOR Notice Package requires that there be countywide coordination of its production and mailing to effectuate the purposes of said constitutional section; and

WHEREAS the Parties desire to set forth their respective responsibilities in the production and mailing of the TABOR Notice Package.

NOW THEREFORE, the Parties agree as follows:

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

a. Determine the "least cost" method for mailing the TABOR Notice Package and determine the Political Subdivision's proportional share of the total cost.

b. Combine the text of the TABOR Notice produced by the Political Subdivision with those of other districts to produce the TABOR Notice Package.

c. Address the package to "All Registered Voters" at each address of one or more active registered electors residing within the Political Subdivision boundaries or to each postal patron. Nothing herein shall preclude the County Clerk from sending the TABOR Notice of the Political Subdivision to persons other than electors of the Political Subdivision if doing so arises from the County Clerk's efforts to mail the TABOR Notice Package at "least cost".

d. Determine the order in which the TABOR Notice submittal of the Political Subdivision and those of other jurisdictions, if any, shall be placed in the TABOR Notice Package, provided, however, that the materials supplied by the Political Subdivision shall be kept together as a group and in the order supplied by the Political Subdivision.

e. Mail the TABOR Notice Package, addressed as required by law, at least 30 days before the election to registered electors residing within the Political Subdivision boundaries.

f. Mail copies of the TABOR Notice Package to registered electors residing outside of the Political Subdivision who own property within the Political Subdivision boundaries.

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g. Refer inquiries, correspondence, and calls concerning the substance of the ballot issues and ballot questions or the operations of the Political Subdivision to such person designated as the Election Officer by the Political Subdivision.

h. Write, print, and incorporate any notice to be included in the TABOR Notice Package that may inform the elector of the polling place or that may provide other information as may be required by law.

i. Provide the Political Subdivision an itemized statement of the costs of performing the tasks performed by the County Clerk hereunder.

2. The Political Subdivision shall perform the following services and activities for the Political Subdivision's election:

a. Designate an "Election Officer" to act as liaison between the Political Subdivision and the County Clerk.

b. Determine the ballot issues to be voted upon at the election.

c. Include, within its TABOR Notice, ballot titles in this order of preference: "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE."

d. Inform the County Clerk of any voter-approved additions to the TABOR Notice for the Political Subdivision and incorporate such additions into the TABOR Notice supplied to the County Clerk.

e. Designate a person ("Election Officer") to be available to respond to inquiries, correspondence, and calls concerning the substance of the ballot issues or the operations of the Political Subdivision. The Political Subdivision shall communicate this designation to the County Clerk at the time of certification of the ballot content. The Election Officer shall be reasonably available to the County Clerk and shall within a reasonable time reply to the originator of all such inquiries, correspondence, and calls.

f. Determine the ballot title and text in accord with TABOR.

g. Prepare the layout of the TABOR Notice for the Political Subdivision in accord with TABOR.

h. Summarize written comments concerning ballot issues following receipt of such comments received from the public and provide summaries for use in the TABOR Notice as required by TABOR. The summaries are limited to up to 500 words one for and one against the proposal.

i. Provide the Political Subdivision's completed TABOR Notice to the County Clerk on or before the 42<sup>nd</sup> day preceding the election and provide the number of eligible electors outside of the Political Subdivision boundaries.

j. For Title 32 Districts, provide the Clerk with a list of eligible property owners so the Clerk can mail the TABOR Notice by the notice deadline to each address of one or more active registered electors who reside outside of the Political Subdivision.

Attachment 1 - TABOR NOTICE - Page 3 of 3


k. Perform such acts as may be required by law, including circulation, approval, review, and all other activities, relating to any petition that may concern the Political Subdivision. The Election Officer shall interact with any Political Subdivision petition representatives, including but not limited to, working to ensure that the Election Officer receives the summary of written comments for their petition within the time required by law.

l. Pay the costs shown in the itemized statement provided by the County Clerk either directly to the County Clerk or to such vendors or subcontractors as the County Clerk may designate.


IN WITNESS WHEREOF, the Parties hereto have executed this Attachment 1 to be effective the 23<sup>rd</sup> day of August, 2022.

POLITICAL SUBDIVISION:

TOWN OF NEW CASTLE

  
\_\_\_\_\_  
Authorized Signature, Title

GARFIELD COUNTY CLERK

  
\_\_\_\_\_  
Jean M. Alberico, County Clerk