

TOWN OF PARKER COUNCIL AGENDA
June 4, 2018

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

1. **TOWN COUNCIL MEETING SCHEDULE**

A. **5:30 P.M. – Call to Order Town Council Meeting and Roll Call**

B. **Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**

C. **Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. **SPECIAL PRESENTATIONS**

3. **PARKER CHAMBER OF COMMERCE UPDATES**

4. **DOWNTOWN BUSINESS ALLIANCE UPDATES (First Meeting of Month)**

5. **PUBLIC COMMENTS 3 Minute Limit (No action will be taken on these items)**

6. **REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL**

7. **CONSENT AGENDA**

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

A. *APPROVAL OF MINUTES - May 21, 2018*

B. *DRAINAGE EASEMENT TERMINATION AGREEMENT - CPC Owners Association, Inc., as the successor to PorterCare Adventist Health System*

Department: Engineering/Public Works, Alex Mestadagh

- C. *ORDINANCE NO. 8.28.6 - First Reading*
A Bill for an Ordinance to Amend Section 4.03.030 and Subsection 4.03.200(a) of the Parker Municipal Code Concerning Sales Tax and Qualified Nonprofit Organizations
Department: Finance, Mary Lou Brown
Finance, Linda Quade
Second Reading: June 18, 2018
- D. *ORDINANCE NO. 8.28.7 - First Reading*
A Bill for an Ordinance to Amend Subsection 4.03.200(a) of the Parker Municipal Code Concerning Sales Tax on Gas and Electric Service
Department: Finance, Mary Lou Brown
Finance, Linda Quade
Second Reading: June 18, 2018
- E. *ORDINANCE NO. 4.89.4 - First Reading*
A Bill for an Ordinance to Amend Section 11.01.030 of the Parker Municipal Code Concerning the Parker Administrative Code
Department: Town Attorney, Jim Maloney
Second Reading: June 18, 2018
- F. *ORDINANCE NO. 3.01.25.3 - First Reading*
A Bill for an Ordinance to Amend Section 13.10.160 of the Parker Municipal Code to Ensure Compliance of New Construction with Public Utility Regulations
Department: Town Attorney, Jim Maloney
Second Reading: June 18, 2018
- G. *ORDINANCE NO. 9.276 - First Reading*
A Bill for an Ordinance Approving the Intergovernmental Agreement with the Douglas County Clerk and Recorder Regarding the Conduct and Administration of the November 6, 2018, Coordinated Election
Department: Town Attorney, Jim Maloney
Town Clerk, Carol Baumgartner
Second Reading: June 18, 2018
- H. *RESOLUTION NO. 18-043*
A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade
Department: Community Development, Rosemary Sietsema

I. CONTRACTS OVER \$100,000

1. Pine Curve Building Demolitions Project (CIP 18-011)

Amount: \$158,744.00
Contractor: Oak Environmental
Department: Engineering and Public Works, Bob Exstrom

8. PUBLIC HEARINGS

A. MOTION FOR RECONSIDERATION BY VISTA SOUTH, LLC, AND MOUNTAIN WASTE-SOUTH METRO, LLC, PURSUANT TO C.R.S. § 31-12-116(2)(A)(II)

Applicant: Vista South, LLC
Mountain Waste-South Metro, LLC
Location: Generally bound by county line between Douglas County and Arapahoe County, Upland Drive, Prairie Trail Drive and Compark Boulevard
Department: Town Attorney, Jim Maloney
TrakIt No. ANX18-001

9. ORDINANCES

A. ORDINANCE NO. 4.114.1 - Second Reading

A Bill for an Ordinance Amending the Vertical and Horizontal Alignment and the Grade of Kings Point Way from the Cottonwood Drive Intersection to Approximately 850 Feet North of Cottonwood Drive Intersection

Department: Engineering and Public Works, Chris Hudson

B. ORDINANCE NO. 5.06.40 - Second Reading

A Bill for an Ordinance Repealing Section 12.02.120 and Amending Chapter 8.07 of the Parker Municipal Code by the Addition of New Sections 8.07.100 and 8.07.110 Concerning Unauthorized Camping on Public Property and Sitting and Lying Down in the Public Right-of-Way

Department: Police Department, Doreen Jokerst

10. ADJOURNMENT

Parker Town Council

Executive Session Agenda

June 4, 2018

“To hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).”

1. Title 32 metropolitan district policy issue (mill levy caps)
2. Proposed Ordinances No.’s 3.01.25.3 and 4.89.4 (Town enforcement of public utility providers rules and regulations)
3. Article XVIII, Section 16 of the Colorado Constitution (regulation of industrial hemp)
4. Potential class action opioid litigation
5. Colorado Revised Statute Section 31-12-116 concerning the motion for reconsideration filed by Vista South, LLC .

“To consider personnel matters, pursuant to C.R.S. § 24-6-402(4)(f).”

6. Town Administrator Evaluation Process

**TOWN OF PARKER COUNCIL
MINUTES
MAY 21, 2018**

Mayor Mike Waid called the meeting to order at 5:37 p.m. Councilmember Josh Martin was absent, all other Councilmembers were present.

Jim Maloney announced the topic for the Executive Session which were four (4) items. Under C.R.S. § 24-6-402(4)(e) there was one (1) item which was the Parker Senior Center Bargain and Sale Deed. Under C.R.S. § 24-6-402(4)(b) there was three (3) items; the first was to receive legal advice on specific legal questions regarding the notice of default of the Compark Village Filing No. 5 subdivision agreement; the second was to receive legal advice on specific legal questions regarding Section 13.04.220 of the Parker Municipal Code concerning the process for uses not itemized; and the third was to receive legal advice on specific legal questions regarding the Colorado Revised Statute Section 31-12-116 concerning the motion for reconsideration filed by Vista South, LLC.

EXECUTIVE SESSION

Amy Holland moved and Debbie Lewis seconded to go into Executive Session at 5:37 p.m., to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Amy Holland moved and Renee Williams seconded to adjourn the Executive Session at 6:49 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Mike Waid reconvened the meeting at 7:02 p.m.

Youth from the audience led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

A. Rhonda Willey - Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ending 2016

Olga Fajaros, CGFOA President, presented the 2016 CAFR Award to Rhonda Willey. She stated the award is the Certificate of Achievement for Excellence in Financial Reporting for Fiscal year ending 2016. She stated the Town of Parker has received this award for the last 29 years.

B. Town of Parker and Police Officer Recognition - Colorado EMAC and Hurricane Irma

Corey Stark, with the Colorado Emergency Management, Kevin Kredit and Drew Peterson recognized Doreen Jokerst and Dawn Cashman for their assistance after Hurricane Irma.

PARKER CHAMBER OF COMMERCE UPDATES - None

PUBLIC COMMENTS

7:25 PM

Pioneer Elementary students stated the Town needs to attract more people to Parker. There needs to be affordable housing so that people can live and work and raise a family in Parker. Parker needs more low income housing.

American Academy students spoke regarding the need for a nutritionist in local schools. They stated processed foods are very unhealthy. They asked Council to consider sending a nutritionist to local schools to talk about processed foods and provide information about good nutrition.

The following individuals spoke regarding the parking and safety issues on the neighborhood streets near Legend High School.

Terry Bosworth, 1224 S. Season Ct., Parker, Colorado

Patrice Batchler, 1226 S. Season Ct., Parker, Colorado

Karen Swanberg, S. Season Ct., Parker, Colorado

Leslie Pacheco, 22206 E. Idyllwilde, Parker, Colorado

Michael Ferrell, 21806 E. Idyllwilde Dr., Parker, Colorado, HOA President, also spoke about the parking safety issues near Legend High School. He would like to be a part of a task force to address this issue if one is formed. He also spoke about the new park between 21775 and 21735 E. Idyllwilde Dr., he counted 17 dead trees out of 24.

Mayor Waid closed Public Comment at 7:46 p.m.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmembers reported on meetings they each attended since the last Town Council meeting.

CONSENT AGENDA

A. APPROVAL OF MINUTES - May 7, 2018

B. SECOND AMENDMENT TO MEADOWLARK ANNEXATION AGREEMENT

Applicant: Meritage Homes

Location: Northeast corner of Richlawn Drive and Crowfoot Valley Road

Department: Community Development, Paul Workman

TrakIt No. ANX16-004

C. *SETTLEMENT AGREEMENT BY AND BETWEEN THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION AND THE TOWN OF PARKER, COLORADO*

Department: Town Attorney, Jim Maloney

D. *ORDINANCE NO. 4.114.1 - First Reading*

A Bill for an Ordinance Amending the Vertical and Horizontal Alignment and the Grade of Kings Point Way from the Cottonwood Drive Intersection to Approximately 850 Feet North of Cottonwood Drive Intersection

Department: Engineering and Public Works, Chris Hudson

Second Reading: June 4, 2018

E. *ORDINANCE NO. 5.06.40 - First Reading*

A Bill for an Ordinance Repealing Section 12.02.120 and Amending Chapter 8.07 of the Parker Municipal Code by the Addition of New Sections 8.07.100 and 8.07.110 Concerning Unauthorized Camping on Public Property and Sitting and Lying Down in the Public Right-of-Way

Department: Police Department, Doreen Jokerst

Second Reading: June 4, 2018

F. *RESOLUTION NO. 18-040*

A Resolution Accepting the Conveyance of a Drainage Easement from Takoda Tavern, L.L.C., for Lot 7, Robinson Ranch Filing No. 2, 2nd Amendment

Department: Engineering/Public Works, Tyler Sandt

G. *RESOLUTION NO. 18-041*

A Resolution Accepting the Conveyance of a Drainage Easement from Runway 2 Fitness LLC, for a Portion of Lot 3, Olde Town at Parker Filing No. 1A, First Amendment

Department: Engineering/Public Works, Tyler Sandt

H. *RESOLUTION NO. 18-042*

A Resolution Finding Substantial Compliance of the Pine Lane/Parker Road Property's Annexation Petition with C.R.S. § 31-12-107 and Setting a Public Hearing on July 2, 2018, for the Purpose of Considering Said Annexation

Department: Community Development, Stacey Neger

TrakIt No. ANX18-002

I. *CONTRACTS OVER \$100,000*

1. Impact Fee Study and Community Development User Fee Study

Amount: \$106,210.00

Contractor: TischlerBise

Department: Town Administrator Office, Dannette Robberson

2. *Chambers Road and Cottonwood Drive Traffic Signal (CIP17-021)*

Amount: \$328,145

Contractor: WL Contractors

Department: Engineering and Public Works, Chris Hudson

3. *Stormwater Maintenance Projects (CIP18-015)*

Amount: \$296,466.57

Contractor: Site Work Solutions

Department: Engineering and Public Works, Kurt Patrick

J. *PROCLAMATION - National Public Works Week 2018*

Department: Town Council

Amy Holland moved to approve Consent Agenda Items 6B to 6J, abstaining from voting on Item 6A.

The motion was seconded by Debbie Lewis.

The motion was approved unanimously.

Joshua Rivero moved to approve Consent Agenda Item 6A.

John Diak seconded the motion.

The motion was approved 5-0. Amy Holland abstained.

ORDINANCES

ORDINANCE NO. 2.259.1 - Second Reading

A Bill for an Ordinance Affirming the Passage of Emergency Ordinance No. 2.259, Series of 2018, A Bill for an Emergency Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Grasslands/Prairie Trail Property in Douglas County

Department: Town Attorney, Jim Maloney

TrakIt No. ANX18-001

On April 16, 2018, the Town Council passed Ordinance No. 2.259, Series of 2018, as an emergency ordinance to annex certain property into the Town. Under Section 7.6 of the Town of Parker Home Rule Charter, an “emergency ordinance shall not be in effect longer than ninety (90) days after passage, unless a subsequent ordinance shall affirm the same.” The purpose of Ordinance No. 2.259.1, Series of 2018, is to affirm Ordinance No. 2.259, Series of 2018.

Public Comment: None

Joshua Rivero moved to approve Ordinance No. 2.259.1 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

ORDINANCE 3.333.1 - Second Reading

A Bill for an Ordinance Affirming the Passage of Emergency Ordinance No. 3.333, Series of 2018, A Bill for an Emergency Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Grasslands/Prairie Trail Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

Department: Town Attorney, Jim Maloney

Trakit No.: Z18-009

On April 16, 2018, the Town Council passed Ordinance No. 3.333, Series of 2018, as an emergency ordinance to zone certain property. Under Section 7.6 of the Town of Parker Home Rule Charter, an “emergency ordinance shall not be in effect longer than ninety (90) days after passage, unless a subsequent ordinance shall affirm the same.” The purpose of Ordinance No. 3.333.1, Series of 2018, is to affirm Ordinance No. 3.333, Series of 2018.

Public Comment: None

Debbie Lewis moved to approve Ordinance No. 3.333.1 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 1.466.3 - Second Reading

A Bill for an Ordinance to Amend Section 4.9 of the Town of Parker Personnel Manual Concerning Military Leave

Department: Human Resources, Tara Moore

Upon investigation and review of the Personnel Manual Section 4.9 Military Leave, it was discovered that the Town’s policy was in direct violation with Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) regulations. This ordinance is for the purpose of updating the Town’s policy to be in compliance and provide better care for our employees who serve in the military.

Public Comment: None

Joshua Rivero moved to approve Ordinance No. 1.466.3 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 9.273 - Second Reading (continued from May 7, 2018)**A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and Parker Water and Sanitation District Regarding Public Improvements Security**

Department: Engineering and Public Works, Chris Hudson

The second reading of this ordinance was continued from May 7, 2018. This ordinance approves the Intergovernmental Agreement between the Town of Parker and the Parker Water and Sanitation District (PWSD) regarding the elimination of the public improvements security requirements. The elimination of the public improvements security requirement is in the best interest of both parties by reducing some of the costs for projects.

Public Comment: None

Debbie Lewis moved to approve Ordinance No. 9.273 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

ORDINANCE NO. 9.274 - Second Reading (continued from May 7, 2018)**A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and Cottonwood Water and Sanitation District Regarding Public Improvements Security**

Department: Engineering and Public Works, Chris Hudson

The second reading of this ordinance was continued from May 7, 2018. This ordinance approves the Intergovernmental Agreement between the Town of Parker and the Cottonwood Water and Sanitation District (CWSD) regarding the elimination of the public improvements security requirements. The elimination of the public improvements security requirement is in the best interest of both parties by reducing some of the costs for projects.

Public Comment: None

Joshua Rivero moved to approve Ordinance No. 9.274 on second reading.

John Diak seconded the motion.

The motion was approved unanimously.

There being no further business, the meeting was adjourned at 8:01 p.m.

Carol Baumgartner, Town Clerk

Mike Waid, Mayor

Prepared by: Chris Vanderpool, Deputy Town Clerk



Request for Town Council Action

Date: June 4, 2018

Submitted By: Alex Mestdagh, Engineering Service Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **DRAINAGE EASEMENT TERMINATION AGREEMENT - CPC Owners Association, Inc., as the successor to PorterCare Adventist Health System**

Department: Engineering/Public Works, Alex Mestadagh

EXECUTIVE SUMMARY

This item accompanies a drainage easement termination agreement between the Town, the Crown Point Owners Association, and the owners of the Parker Adventist Hospital property. These easements are proposed to be terminated through this agreement and rededicated to the Town in a new configuration in conjunction with a parking lot expansion project on the property.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

In 2003, the Town accepted a drainage easement from PorterCare Adventist Health Systems covering storm sewer and a detention pond that was constructed to serve the Parker Adventist Hospital site. This easement was required by the Town to preserve its ability to maintain this infrastructure should the property owner fail to do so.

Parker Adventist Hospital is currently processing a replat application and associated construction drawings that will reconfigure this detention pond and allow the expansion of the adjacent parking lot. The size of the pond will be reduced with this work, requiring a smaller drainage easement than currently exists. The applicant has requested that this original drainage easement agreement be terminated, and new drainage easements covering the remaining infrastructure be dedicated on the plat.

This termination will be finalized concurrently with the recordation of this replat. If the replat is not approved and recorded, the Town will not terminate the easement agreement.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

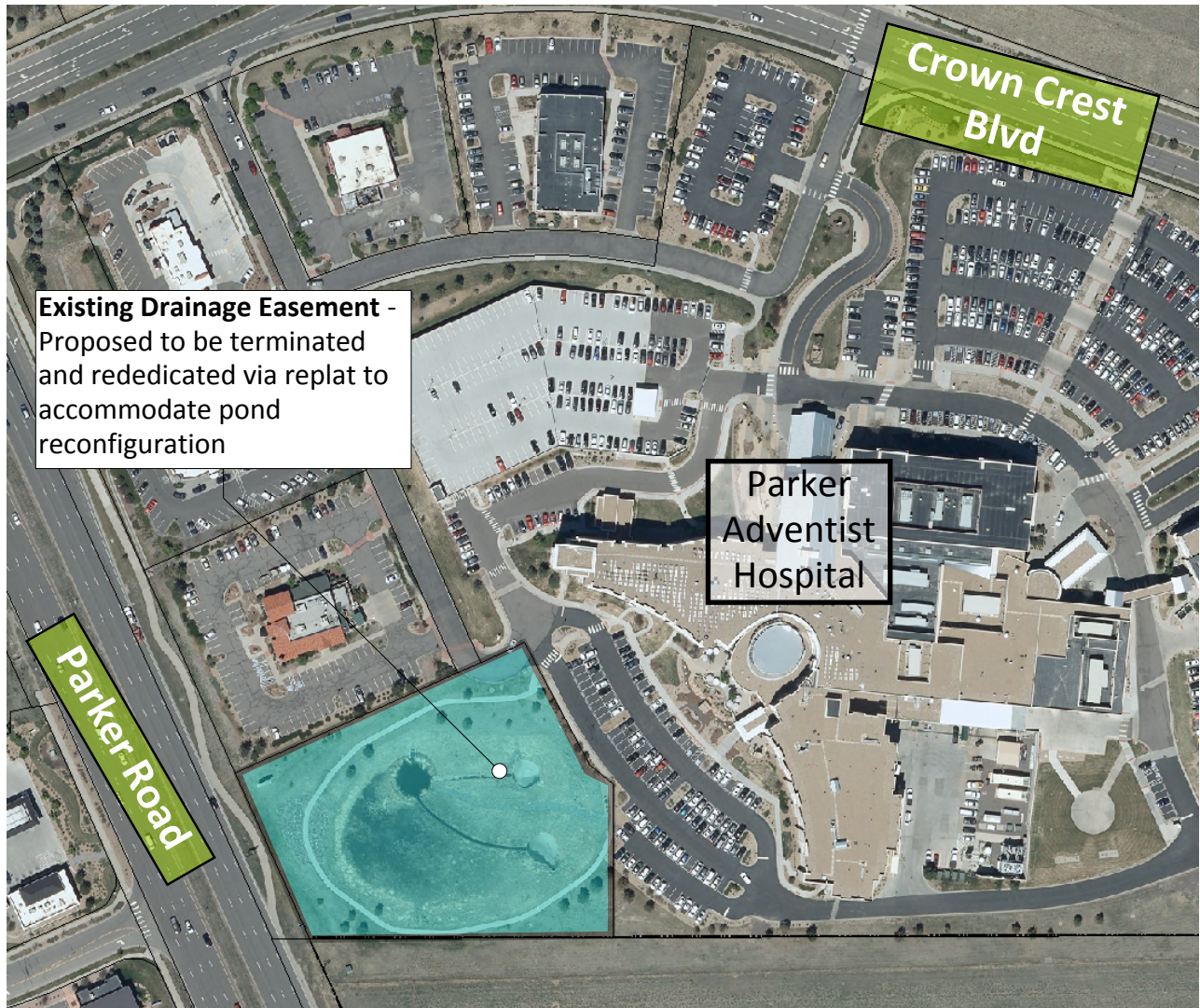
DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Vicinity Map
2. Drainage Easement Termination Agreement

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Drainage Easement
Agreement Termination
Vicinity Map



DRAINAGE EASEMENT TERMINATION AGREEMENT

This DRAINAGE EASEMENT TERMINATION AGREEMENT (this “Agreement”) is entered into this ____ day of _____, 2018, by and between the CPC Owners Association, Inc., a Colorado nonprofit corporation, whose legal address is 23 Inverness Way East, Suite 200, Englewood, CO 80112 (“CPC”) and Parker MOB Owners LLC, a Delaware limited liability company, whose legal address is 1920 Main Street, Suite 1200, Irvine, CA 92614 (“Parker MOB”) (collectively the “Owners”), as the successor to Portercare Adventist Health System (“Portercare”), and the Town of Parker, a Colorado home rule municipality, whose legal address is 20120 E. Mainstreet, Parker, Colorado 80138 (the “Town”). CPC, Parker MOB and the Town are sometimes collectively referred to herein as the “Parties.”

RECITALS

A. The Owners are the owners of certain real property legally described in **Exhibit 1**, attached hereto and incorporated herein (the “Property”);

B. The Property is encumbered by that certain drainage easement dated February 12, 2003, between Portercare and the Town, recorded March 28, 2003, at Reception No. 2003040868, and attached hereto as **Exhibit 2** (the “Drainage Easement”); and

C. The Owners submitted an application to the Town to replat the Property to modify the drainage pond that is contained in the drainage easement area which, if approved, will result in a reduction of the drainage easement area (the “Replat”).

D. The Replat, if approved by the Town, will dedicate a new drainage easement to the Town that will include the easement area described in the Agreement, as modified by the reduction in the size of the drainage pond.

E. The Owners and the Town agree, subject to the Town’s approval of the Replat, to terminate, release and/or vacate the Drainage Easement in its entirety.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, together with the mutual covenants and promises herein set forth, it is hereby agreed as follows:

1. The above recitals are hereby incorporated into and made a part of this Agreement.
2. The Town hereby terminates the Drainage Easement in its entirety, and releases the Property and all other encumbered real property from all restrictions and/or encumbrances of the Drainage Easement.
3. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

4. This Agreement will be recorded in the real property records of the Douglas County Clerk and Recorder's Office, at such time as this Agreement goes into effect.

5. This Agreement contains the complete and entire agreement between the parties concerning the matters set forth herein, and neither party makes any warranties, express or implied, except those (if any) expressly set forth in this Agreement.

6. This Agreement shall be governed, construed, and enforced in accordance with the laws of the State of Colorado.

7. The invalidation or unenforceability in any particular circumstances of any of the provisions of this Agreement will in no way affect any of the other provisions hereof, which will remain in full force and effect.

8. This Agreement may be executed in counterparts, each of which will be deemed an original, and all of which together will constitute one and the same instrument and agreement. Counterparts may be delivered via facsimile or e-mail and will be effective for purposes of executing this Agreement and any amendment thereto.

9. This Agreement shall not go into effect until such time as the Town approves the Replat.

IN WITNESS WHEREOF, the Parties have executed this Agreement, effective as of the date set forth above.

THE TOWN OF PARKER

By: _____
Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

[Remainder of page intentionally left blank. Signatures continue on following pages.]

**CPC OWNERS ASSOCIATION, INC., a
Colorado nonprofit corporation**

By: _____
_____ [Name/Title]

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2018, by _____ as _____ of CPC Owners
Association, Inc., a Colorado nonprofit corporation.

My commission expires: _____.

SEAL

Notary Public

[Remainder of page intentionally left blank. Signatures continue on following page.]

PARKER MOB OWNERS LLC, a Delaware
limited liability company

By: _____
_____ [Name/Title]

STATE OF _____)
_____) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2018, by _____ as _____ of Parker MOB
Owners LLC, a Delaware limited liability company.

My commission expires: _____.

SEAL

Notary Public

EXHIBIT 1

EXHIBIT A

DESCRIPTION Drainage Easement

A parcel of land being a part of Lot 1, Crown Point Filing No. 1, 4th Amendment, as shown on the plat recorded at Reception No. 01083111 and a part of Lot 1, Block 1B, Crown Point Filing No. 1 as shown on the plat recorded at Reception No. 0073633, all located in the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1 as shown on the plat recorded at Reception No. 0073633

BEGINNING at the southeast corner of said Lot 1 Block 1B;
Thence South 89°47'24" West, 151.21 feet along the south line of said, Lot 1 Block 1B;
Thence North 55°26'44" West, 175.82 feet to a point on the westerly line of said Lot 1, Block 1B;
Thence North 24°06'56" West, 49.19 feet along said westerly line;
Thence North 48°59'17" East, 188.12 feet to a point on the northerly line of said Lot 1, Block 1B;
Thence North 65°50'09" East, 53.50 feet along said northerly line to a point on the westerly line of a 25.00 ft wide drainage easement as shown on the Crown Point Filing No. 1 plat recorded at Reception No. 0073633;
Thence South 23°49'53" East, 310.15 feet along said westerly line to the easterly line of said Lot 1, Block 1B;
Thence continuing South 23°49'53" East, 6.23 feet along the westerly line of said 25.00 ft wide drainage easement to a point on the southerly line of Lot 1, Crown Point Filing No. 1, 4th Amendment;
Thence South 89°47'24" West, 2.49 feet along the southerly line of Lot 1, Crown Point Filing No. 1, 4th Amendment to the **POINT OF BEGINNING**.

Containing 51,761 square feet or 1.1883 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.

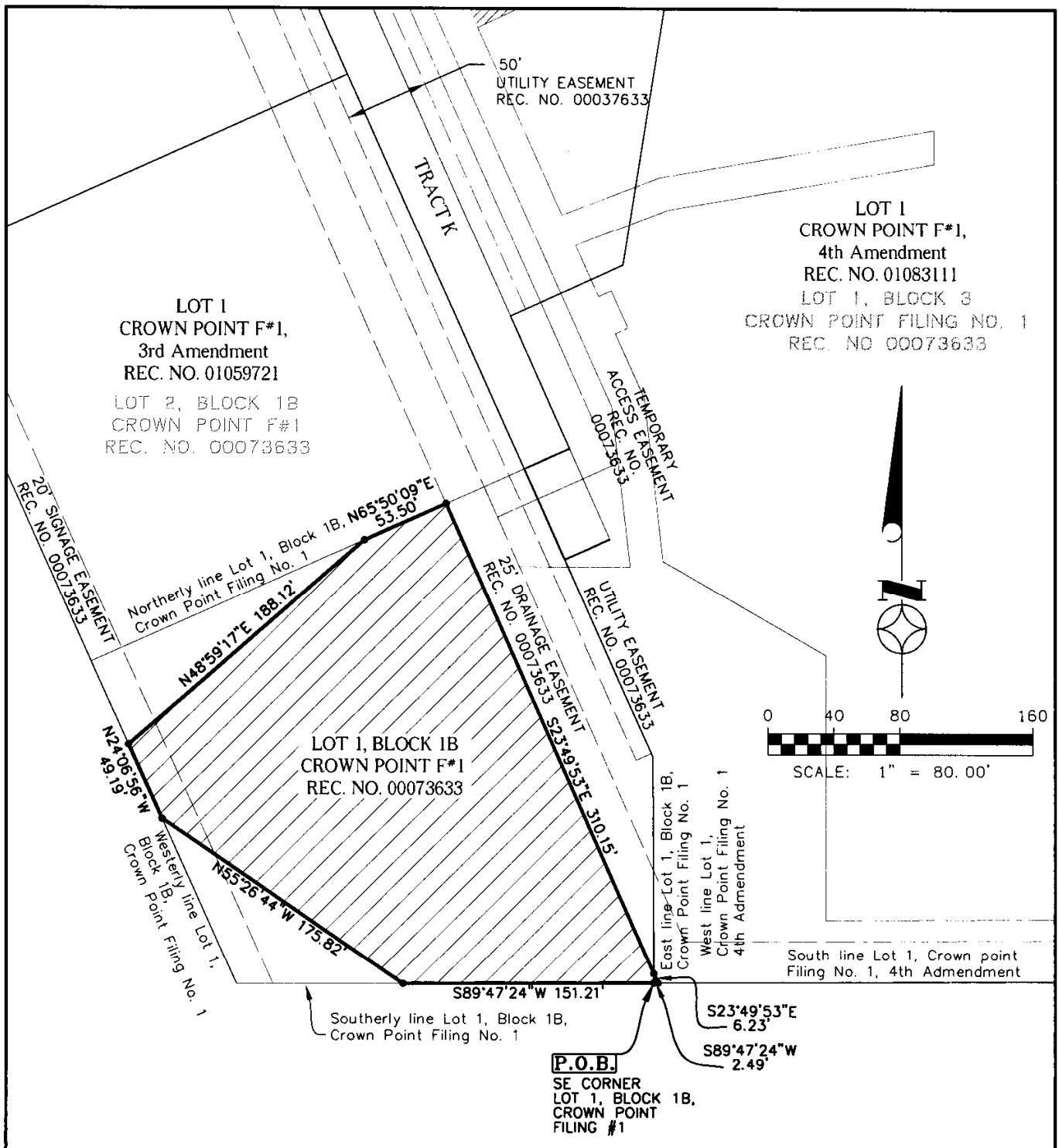


WSSI Job No. : 20221-001
Date: May 13, 2002
Lee E. Lovell, PLS 24960
For and on Behalf of
Western States Surveying, Inc
12753 S. Parker Road, Suite
205
Parker, CO 80134
(303) 841-7436

Notice: According to Colorado law you must commence any legal actions based upon a defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT 1

EXHIBIT A



JOB NO.: 9368-008

SCALE: 1" = 80 ft

DATE: 05/14/02

SURVEYOR: lel

DRAWN BY: rdc

Drainage Easement

Town of Parker

**Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas**

**WESTERN STATES
SURVEYING, Inc.**

12753 SOUTH PARKER ROAD, SUITE 205
PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT 1

EXHIBIT B

DESCRIPTION Drainage Easement

A parcel of land being a part of Lot 1, a part of Lot 2 and a part of Tract E, Crown Point Filing No. 1, 4th Amendment as shown on the plat recorded at Reception No. 01083111, located the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1, 4th Amendment as shown on the plat recorded at Reception No. 01083111

COMMENCING at the southwest corner of said Lot 2;

Thence North 00°17'03" West, 25.00 feet along the west line of said Lot 2 to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1, 4th Amendment plat recorded at Reception No. 01083111, said point being the **POINT OF BEGINNING**;

Thence South 89°47'24" West, 57.51 feet, along the north line of said easement, parallel with and 25.00 feet northerly of the southerly line of said Lot 1;

Thence North 00°12'36" West, 40.85 feet;

Thence North 55°52'06" East, 40.30 feet;

Thence North 55°23'58" East, 29.04 feet to the east line of said Lot 1;

Thence continuing North 55°23'58" East, 72.42 feet;

Thence North 60°04'44" East, 51.78 feet;

Thence North 52°02'51" West, 4.50 feet;

Thence North 63°52'21" West, 18.79 feet;

Thence North 73°12'45" West, 12.03 feet;

Thence North 84°36'32" West, 17.73 feet;

Thence South 88°10'45" West, 15.36 feet;

Thence North 86°03'27" West, 9.42 feet;

Thence North 83°07'06" West, 16.06 feet;

Thence North 76°43'34" West, 14.29 feet;

Thence North 59°44'57" West, 0.85 feet to the west line of said Tract E;

Thence continuing North 59°44'57" West, 29.94 feet;

Thence North 42°29'41" East, 20.47 feet;

Thence South 59°44'57" East, 13.80 feet to the east line of said Lot 1;

Thence continuing South 59°44'57" East, 9.66 feet;

Thence South 76°43'34" East, 10.19 feet;

Thence South 83°07'06" East, 14.43 feet;

Thence South 86°03'27" East, 7.90 feet;

Thence North 88°10'45" East, 15.61 feet;

Thence South 84°36'32" East, 20.99 feet;

Thence South 73°12'45" East, 15.66 feet;

Thence South 63°52'21" East, 22.50 feet;

Thence South 52°02'51" East, 10.61 feet;

EXHIBIT 1

EXHIBIT B

Thence North 39°58'37" East, 12.57 feet;
Thence North 14°14'48" East, 21.48 feet;
Thence North 10°41'56" West, 116.42 feet to the north line of said Tract E;
Thence continuing North 10°41'56" West, 10.94 feet;
Thence North 90°00'00" East, 52.50 feet;
Thence South 17°13'03" East, 24.86 feet to the easterly line of said Tract E;
Thence continuing South 17°13'03" East, 86.48 feet;
Thence South 70°36'02" East, 40.47 feet to the easterly line of said Tract E ;
Thence continuing South 70°36'02" East, 167.78 feet;
Thence South 00°12'36" East, 138.63 feet, to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1, 4th Amendment plat recorded at Reception No. 01083111;
Thence South 89°47'24" West, 391.70 feet along, along the north line of said 25.00' wide drainage easement, parallel with and 25.00 feet northerly of the southerly line of said Lot 1 to the **POINT OF BEGINNING**.

Containing 76,185 square feet or 1.7490 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.

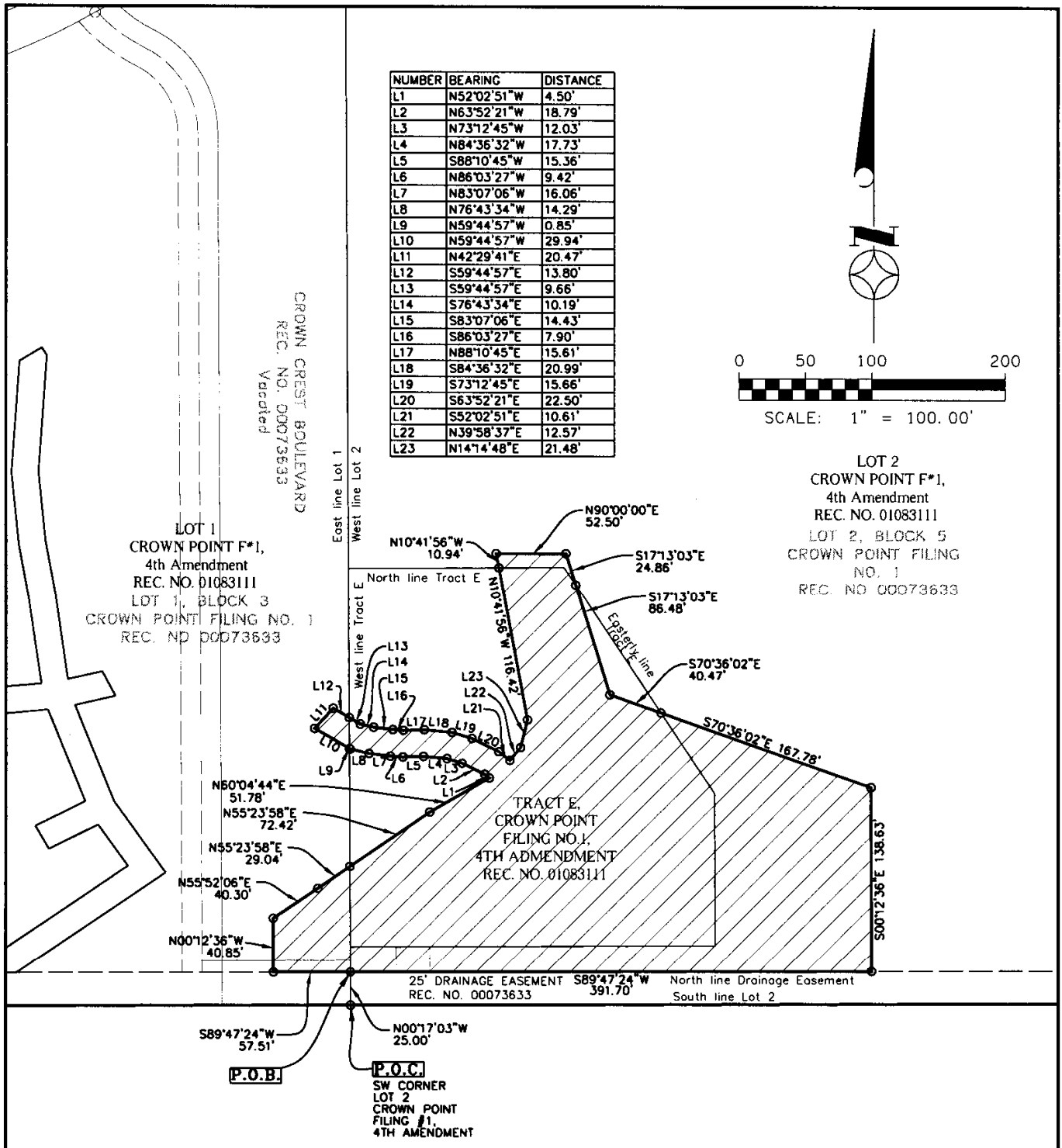


WSSI Job No. : 20221-001
Date: May 13, 2002
Lee E. Lovell, PLS 24960
For and on Behalf of
Western States Surveying, Inc
2753 S. Parker Road, Suite 205
Parker, CO 80134
(303) 841-7436

Notice: According to Colorado law you must commence any legal actions based upon a defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT 1

EXHIBIT B



JOB NO.: 9368-008

SCALE: 1" = 100 ft

DATE: 05/13/02

SURVEYOR: lel

DRAWN BY: lel

Drainage Easement

Town of Parker

Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas

Western States
SURVEYING, Inc.

12753 SOUTH PARKER ROAD, SUITE 205
PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT 1

EXHIBIT C

LEGAL DESCRIPTION

Drainage Easement

A parcel of land being a part of Lot 1, Crown Point Filing No. 1, 4th Amendment, as shown on the plat recorded at Reception No. 01083111, a part of Lot 1, Block 1B and a part of Tract G, Crown Point Filing No. 1, as shown on the plat recorded at Reception No. 0073633, all located in the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1, 4th Admendment, as shown on the plat recorded at Reception No. 01083111.

COMMENCING at the southeast corner of said Lot 1, Crown Point Filing No. 1, 4th Amendment;
Thence North 00°17'03" West, 25.00 feet, along the east line of said Lot 1 to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1, plat recorded at Reception No. 00073633;
Thence South 89°47'24" West, 249.87 feet, along the north line of said easement, parallel with and 25.00 feet northerly of the south line of said Lot 1, to the **POINT OF BEGINNING**;
Thence continuing South 89°47'24" West, 713.22 feet, along the north line of said easement;
Thence North 23°49'53" West, 47.25 feet, along the easterly line of said easement, to the easterly line of Lot 1, Block 1B, as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;
Thence continuing North 23°49'53" West, 200.11 feet, along the easterly line of said easement;
Thence North 90°00'00" East, 29.32 feet, to a point on the easterly line of Lot 1, Block 1B, as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;
Thence continuing North 90°00'00" East, 37.60 feet;
Thence North 06°28'36" West, 97.16 feet;
Thence North 24°21'14" West, 75.00 feet, to a point on the southerly line of Tract G, as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;
Thence continuing North 24°21'14" West, 215.13 feet;
Thence North 65°43'12" East, 168.31 feet;
Thence South 88°05'38" East, 55.53 feet, to a point on the easterly line of said Tract G;
Thence continuing South 88°05'38" East, 222.55 feet;
Thence South 84°13'11" East, 101.76 feet;
Thence South 85°04'09" East, 130.09 feet;
Thence South 05°19'09" West, 20.00 feet;
Thence North 85°04'09" West, 130.10 feet;
Thence North 84°13'11" West, 101.23 feet;
Thence North 88°05'38" West, 251.38 feet, to a point on the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment;
Thence continuing North 88°05'38" West, 21.38 feet;
Thence South 65°43'12" West, 143.63 feet;
Thence South 24°21'14" East, 9.01 feet;
Thence North 65°21'29" East, 38.93 feet;
Thence South 24°38'31" East, 20.00 feet;
Thence South 65°21'29" West, 39.03 feet;

EXHIBIT 1

EXHIBIT C

Thence South 24°21'14" East, 123.28 feet;
Thence North 69°06'09" East, 47.69 feet, to a point on the westerly line of said Lot 1;
Thence continuing North 69°06'09" East, 15.28 feet;
Thence North 80°09'42" East, 168.56 feet;
Thence South 00°00'00" West, 20.30 feet;
Thence South 80°09'42" West, 163.15 feet;
Thence South 69°06'09" West, 24.88 feet, to a point on the easterly line of said Tract G;
Thence continuing South 69°06'09" West, 34.94 feet along said line ;
Thence South 24°21'14" East, 22.76 feet, to a point on the southerly line of said Tract G;
Thence continuing South 24°21'14" East, 11.13 feet;
Thence North 65°44'04" East, 8.45 feet;
Thence South 24°15'56" East, 24.67 feet;
Thence South 65°44'04" West, 8.41 feet;
Thence South 24°21'14" East, 42.37 feet;
Thence South 06°28'36" East, 99.16 feet;
Thence South 60°02'50" East, 113.50 feet;
Thence South 00°00'00" West, 159.91 feet;
Thence North 89°48'01" East, 243.62 feet;
Thence North 00°11'59" West, 17.68 feet;
Thence North 86°54'30" East, 20.03 feet;
Thence South 00°11'59" East, 21.20 feet;
Thence North 89°48'01" East, 6.38 feet;
Thence North 13°52'57" East, 177.37 feet;
Thence South 84°40'51" East, 20.23 feet;
Thence South 13°52'57" West, 175.36 feet;
Thence North 89°48'01" East, 316.80 feet;
Thence North 55°46'49" East, 125.68 feet;
Thence North 35°44'55" West, 38.14 feet;
Thence South 63°29'44" West, 41.00 feet;
Thence North 29°50'42" West, 20.03 feet;
Thence North 63°29'44" East, 41.40 feet;
Thence North 21°54'07" West, 74.30 feet;
Thence South 84°42'01" West, 54.46 feet;
Thence North 05°19'09" East, 20.35 feet;
Thence North 84°42'01" East, 47.63 feet;
Thence North 08°15'28" West, 65.59 feet;
Thence North 10°33'45" West, 40.41 feet;
Thence North 05°42'02" West, 54.61 feet;
Thence North 04°03'08" East, 83.76 feet;
Thence North 58°58'08" East, 19.50 feet;
Thence South 31°01'52" East, 7.03 feet;
Thence South 04°03'08" West, 87.51 feet;
Thence South 05°42'02" East, 52.05 feet;
Thence South 10°33'45" East, 39.96 feet;
Thence South 08°15'28" East, 65.66 feet;
Thence North 77°01'32" East, 26.24 feet;

EXHIBIT 1

EXHIBIT C

Thence South 28°38'18" East, 20.77 feet;
Thence South 77°01'32" West, 31.01 feet;
Thence South 21°54'07" East, 77.91 feet;
Thence South 35°44'55" East, 66.14 feet;
Thence South 55°46'49" West, 134.74 feet, to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633, said point being the **POINT OF BEGINNING**.

Containing 78,520 square feet or 1.8026 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO: 20221-001

DATE: May 14, 2002

For and on Behalf of

WESTERN STATES SURVEYING, INC.

2753 South Parker Road, Suite 205

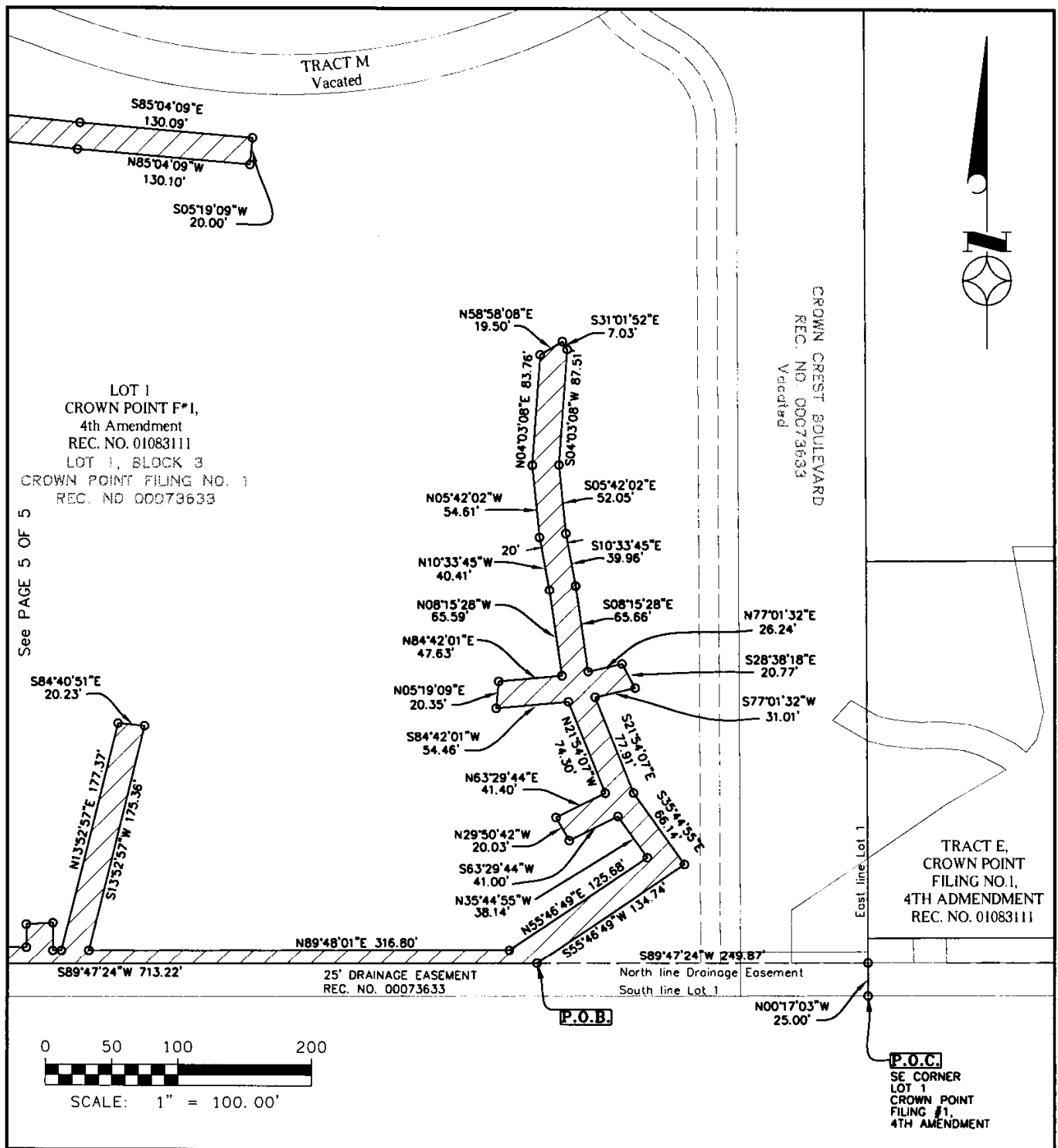
Parker, CO 80134-3486

(303) 841-7436

Lee E. Lovell, PLS 24960

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EXHIBIT c



JOB NO.: 20221-001

SCALE: 1" = 100 ft

DATE: 05/14/02

SURVEYOR: lel

DRAWN BY: RDC

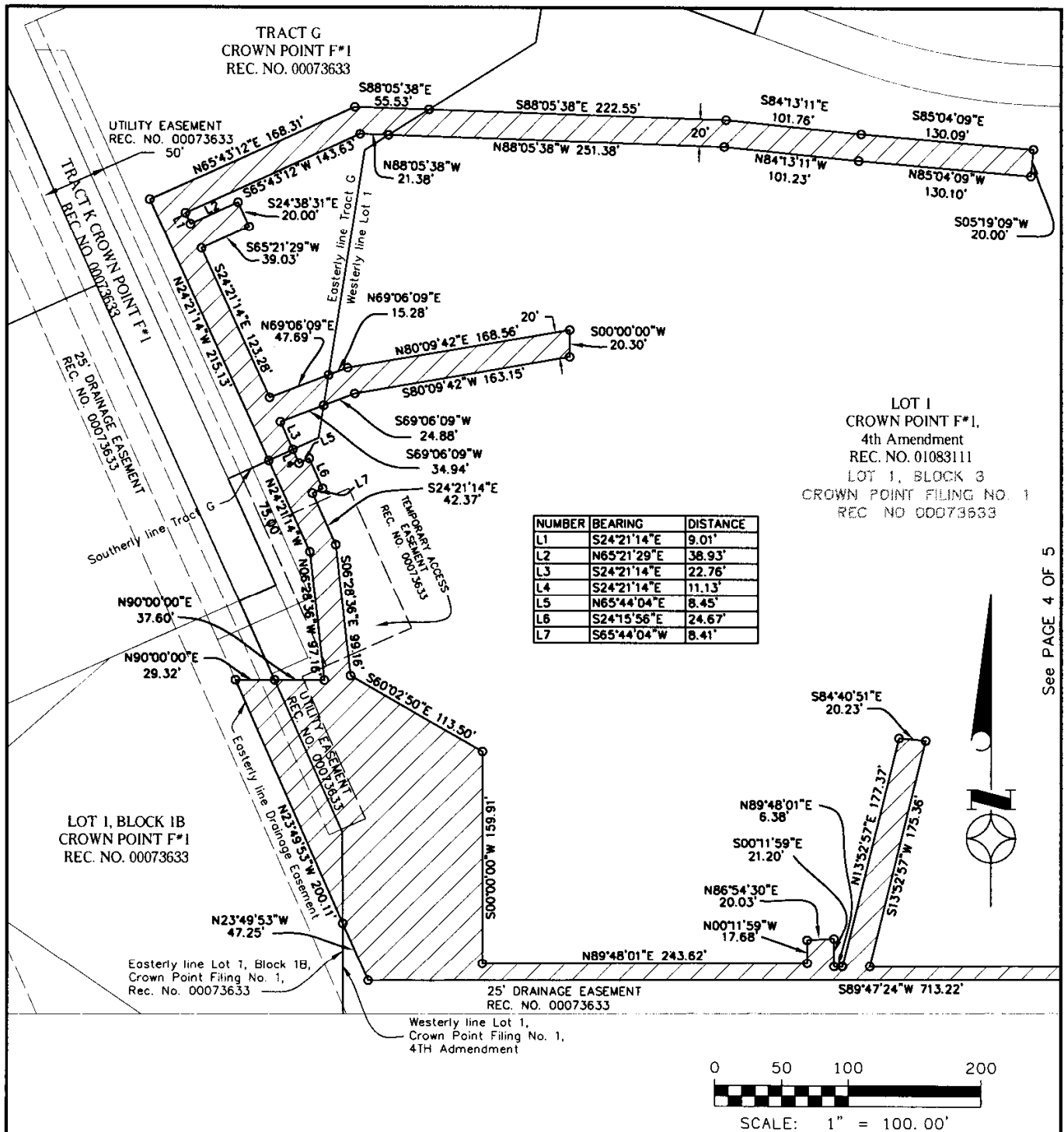
Drainage Easement

Town of Parker

Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas

**WESTERN STATES
SURVEYING, Inc.**
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT c



See PAGE 4 OF 5

JOB NO.: 20221-001

SCALE: 1" = 100 ft

DATE: 05/14/02

SURVEYOR: tel

DRAWN BY: RDC

Drainage Easement

Town of Parker

Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas

WESTERN STATES
SURVEYING, Inc.
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT 1

EXHIBIT D

DESCRIPTION Drainage Easement

A parcel of land being a part of Lot 1, Crown Point Filing No. 1, 4th Amendment, as shown on the plat recorded at Reception No. 01083111, a part of Lot 1, Block 1B, and a part of Tract G, both of Crown Point Filing No. 1 as shown on the plat recorded at Reception No. 0073633, all located in the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1, 4th Amendment as shown on the plat recorded at Reception No. 01083111

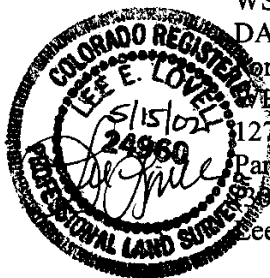
COMMENCING at the southwest corner of said Lot 1, Crown Point Filing No. 1, 4th Amendment; Thence North 00°17'03" West, 68.29 feet, along the westerly line of said Lot 1, to a point on the easterly line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;
Thence North 23°49'53" West, 232.86 feet, along the easterly line of said easement, to the **POINT OF BEGINNING**;
Thence continuing North 23°49'53" West, 20.00 feet, along the easterly line of said easement, to the northerly line of said Lot 1, Block 1B;
Thence North 65°53'04" East, 26.50 feet, along said northerly line, to the Northeast Corner of said Lot 1, Block 1B;
Thence continuing North 65°53'04" East, 30.00 feet, along the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment;
Thence North 24°06'56" West, 87.35 feet, along the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment, to a point on the southerly line of said Tract G;
Thence continuing North 24°06'56" West, 351.45 feet, along the westerly line of said Tract G;
Thence South 89°22'01" East, 22.02 feet;
Thence South 24°06'56" East, 342.13 feet, parallel with and 20.00 feet easterly of the westerly line of said Tract G, to a point on the southerly line of said Tract G;
Thence continuing South 24°06'56" East, 107.44 feet, parallel with and 20.00 feet southeasterly of the westerly line of said Lot 1;
Thence South 65°53'04" West, 50.00 feet, parallel with and 20.00 feet easterly of the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment, to the easterly line of said Lot 1, Block 1B;
Thence continuing South 65°53'04" West, 26.59 feet, parallel with and 20.00 feet southerly of the northerly line of said Lot 1, Block 1B, to the **POINT OF BEGINNING**.

EXHIBIT 1

EXHIBIT D

Containing 10,213 square feet or 0.2345 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO: 20221-001

DATE: May 14, 2002

for and on Behalf of

WESTERN STATES SURVEYING, INC.

12753 South Parker Road, Suite 205

Parker, CO 80134-3486

(303) 841-7436

Lee E. Lovell, PLS 24960

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EXHIBIT D

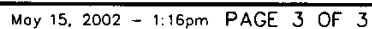


EXHIBIT 2

OFFICIAL RECORDS
DOUGLAS COUNTY CO
CAROLE R. MURRAY
CLERK & RECORDER
RECORDING FEE: \$86.00
17 PGS

2003040868
03/28/2003 12:25 PM



2003040868 17 PGS

DRAINAGE EASEMENT AGREEMENT

THIS DRAINAGE EASEMENT AGREEMENT (the "Easement Agreement") is dated this 12th day of February, 2003, by PorterCare Adventist Health System having an address at 2525 S. Downing St., Denver, CO 80210, ("Grantor") and the Town of Parker, Colorado ("Grantee") having an address of 20120 East Mainstreet, Parker, Colorado 80138.

WHEREAS, Grantee desires to acquire easements for the purpose of the maintenance of a drainage pipe and appurtenant drainage facilities on and through the properties more particularly described and depicted in **Exhibit A, B, C and D** ("Easement Properties"), attached hereto and incorporated herein by this reference; and

WHEREAS, Grantor is willing to grant an easement to Grantee for the aforesaid purposes on the terms and conditions set forth hereinbelow.

NOW, THEREFORE, for and in consideration of the sum of ten dollars (\$10.00) paid by Grantee to Grantor, the covenants of Grantee herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant, and for and in consideration of the easement rights herein granted and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantee does hereby covenant and agree as follows:

1. Grant of Easement. Grantor does hereby grant and convey unto Grantee, its successors, assigns, lessees, licensees and agents, an easement under and through the Easement Properties, for the purpose of providing the maintenance of a drainage pipe and appurtenant drainage facilities. Grantee shall also have the specific rights of ingress and egress, consistent with this Easement Agreement, for the construction, reconstruction, operation and maintenance of a drainage pipe and appurtenant drainage facilities, consistent with the easement provided herein. Subject to the other terms and conditions of this Easement Agreement, Grantee shall also have the right to remove impediments to operation and maintenance of the Easement Properties such as trees, asphalt and sidewalks. Grantee further agrees all construction, reconstruction, operation, maintenance, removal and any other activities which disturb the Easement Properties will be coordinated with Grantor so as to minimize any disruption to Grantor's property.

2. Unencumbered Title. Grantor warrants that the Easement Properties granted herein is granted free and clear of all liens and encumbrances.

3. Operation and Maintenance.

a. The operation and maintenance of the drainage facilities described herein and located within the Easement Properties shall be the responsibility of the Grantor; provided, however, that Grantee shall have the right to maintain the Easement Properties in the event Grantee, in its sole discretion, determines to enter the Easement Properties for the operation and/or maintenance of the

Easement Properties as set forth in subsection b. hereinbelow. The Grantor acknowledges and agrees that the Grantee has the right to enter the Easement Properties to maintain and operate the drainage facilities covered by Chapter 4.08 of the Parker Municipal Code or to maintain and operate the drainage facilities in the manner described herein.

b. If Grantor fails to adequately maintain the drainage facilities located within the Easement Properties, and within fourteen (14) days after the date of written notice from Grantee, fails to correct the maintenance problem, or fails to begin to clean, cure or correct such problem within fourteen (14) days if such problem cannot be reasonably cleaned, cured or corrected within fourteen (14) days, and fails to diligently prosecute such cleaning, cure or correction to completion, then Grantee may do so as provided herein. Notwithstanding the foregoing, Grantee may, in the event of an emergency, as determined by Grantee in its sole discretion, clean, cure or correct any damage caused by Grantor's failure to adequately maintain the drainage facilities located within the Easement Properties. The Grantor shall reimburse the Grantee for the cost of such maintenance to the extent that (i) the drainage facilities and/or the type of maintenance performed by Grantee are not covered by Chapter 4.08 of the Parker Municipal Code, as amended, or (ii) if the drainage facilities and/or the type of maintenance performed by the Grantee is covered by Chapter 4.08 of the Parker Municipal Code, as amended, and the Grantee determines in its sole discretion that there are not sufficient funds available for such maintenance. If Grantor fails to reimburse Grantee for the cost of such maintenance, within thirty (30) days after receipt of an invoice from Grantee describing the corrective or maintenance action taken, the unpaid amount shall constitute a lien on the Easement Properties until paid in full, with priority over all other liens, except general tax liens, which liens shall be certified to the County Treasurer and collected in the same manner as other taxes are collected. Grantor further agrees that Grantee may also pursue any and all other remedies available at law or in equity.

4. Grantor Defined. The word "Grantor" as used herein, whenever the context requires or permits, shall include the heirs, personal representatives, beneficiaries, successors, grantees and assigns of the owners of the land through which the easement runs, or the respective owners from time to time of portions thereof. The burdens and benefits of this Easement Agreement shall be deemed covenants running with said easements and said land. Notwithstanding any contrary provision in this Easement Agreement, however, any obligation under this Easement Agreement which is to be performed by the owner of any land which is burdened by this Easement Agreement shall be enforceable only against the then owner of such land, and not against any such owner's predecessors in interest.

5. Covenants of Grantee. Grantee hereby represents, covenants and warrants in favor of Grantor, and its successors and assigns, as follows:

a. Grantee shall protect the Easement Properties, and the adjacent lands of Grantor over which Grantee has rights of ingress and egress, from damage caused, in whole or in part, by acts or omissions of Grantee, its employees, agents, contractors, subcontractors, assigns, lessees, licensees and agents.

b. Grantee shall not cause or permit to be caused by any of its employees, agents, contractors, subcontractors, successors, assigns, lessees or licensees, any hazardous substances, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), pollutants or contaminants, as defined by CERCLA, or hazardous waste, as defined by the Resource, Conservation and Recovery Act ("RCRA"), including, but not limited to, asbestos and/or urea formaldehyde, or any pollutants or toxic pollutants as defined by the Clean Water Act, and any amendments thereto, to be dumped, spilled, released, permanently stored or deposited on, over or beneath the Easement Properties or any other lands owned by Grantor.

6. Retained Rights. Grantor shall have all rights to the Easement Properties not granted hereby.

7. Miscellaneous.

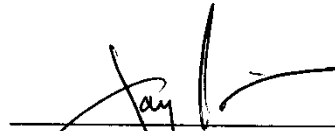
a. Except as otherwise expressly provided herein, all provisions herein contained, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

b. This easement constitutes all of the agreements, understandings and promises between the parties hereto, with respect to the subject matter hereof.

c. This easement shall be of no force and effect until this easement is duly and validly executed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Agreement as of the date and year first above written.

GRANTOR:



Jay Picerno
Exec. Vice President/CFO of Centura
Health Corporation on behalf of
PorterCare Adventist Health System

STATE OF COLORADO)

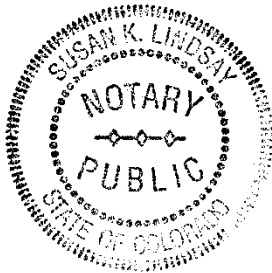
COUNTY OF ARAPAHOE)

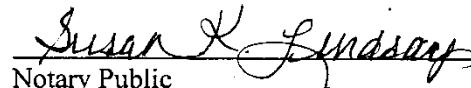
) ss.

The foregoing instrument was subscribed, sworn to, and acknowledged before me this
12th day of February, 2003 ~~2002~~ by Jay Picerno.

My commission expires: 11/25/03

(SEAL)

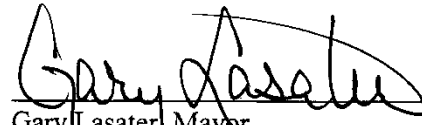




Notary Public

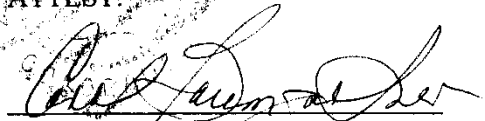
GRANTEE:

TOWN OF PARKER



Gary Lasater, Mayor

ATTEST:



Carol Baumgartner, Town Clerk

EXHIBIT 2

EXHIBIT A

DESCRIPTION Drainage Easement

A parcel of land being a part of Lot 1, Crown Point Filing No. 1, 4th Amendment, as shown on the plat recorded at Reception No. 01083111 and a part of Lot 1, Block 1B, Crown Point Filing No. 1 as shown on the plat recorded at Reception No. 0073633, all located in the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1 as shown on the plat recorded at Reception No. 0073633

BEGINNING at the southeast corner of said Lot 1 Block 1B;
Thence South 89°47'24" West, 151.21 feet along the south line of said, Lot 1 Block 1B;
Thence North 55°26'44" West, 175.82 feet to a point on the westerly line of said Lot 1, Block 1B;
Thence North 24°06'56" West, 49.19 feet along said westerly line;
Thence North 48°59'17" East, 188.12 feet to a point on the northerly line of said Lot 1, Block 1B;
Thence North 65°50'09" East, 53.50 feet along said northerly line to a point on the westerly line of a 25.00 ft wide drainage easement as shown on the Crown Point Filing No. 1 plat recorded at Reception No. 0073633;
Thence South 23°49'53" East, 310.15 feet along said westerly line to the easterly line of said Lot 1, Block 1B;
Thence continuing South 23°49'53" East, 6.23 feet along the westerly line of said 25.00 ft wide drainage easement to a point on the southerly line of Lot 1, Crown Point Filing No. 1, 4th Amendment;
Thence South 89°47'24" West, 2.49 feet along the southerly line of Lot 1, Crown Point Filing No. 1, 4th Amendment to the **POINT OF BEGINNING**.

Containing 51,761 square feet or 1.1883 acres, more or less.

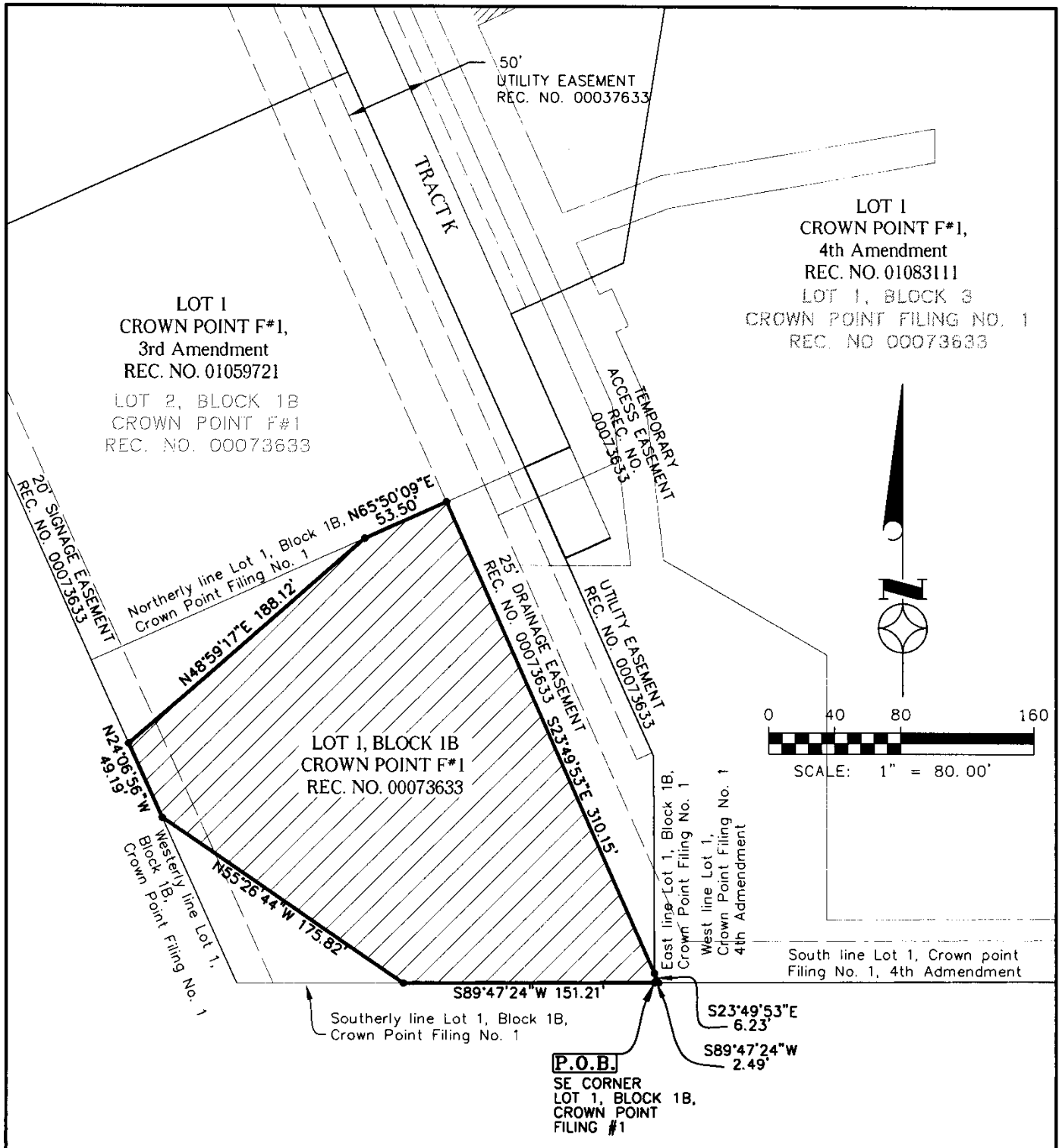
I hereby certify that the above legal description was prepared under my direct supervision.



WSSI Job No. : 20221-001
Date: May 13, 2002
Lee E. Lovell, PLS 24960
For and on Behalf of
Western States Surveying, Inc
12753 S. Parker Road, Suite
205
Parker, CO 80134
(303) 841-7436

Notice: According to Colorado law you must commence any legal actions based upon a defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT A



JOB NO.: 9368-008

SCALE: 1" = 80 ft

DATE: 05/14/02

SURVEYOR: lel

DRAWN BY: rdc

Drainage Easement

Town of Parker

Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas

**WESTERN STATES
SURVEYING, Inc.**
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT 2

EXHIBIT B

DESCRIPTION Drainage Easement

A parcel of land being a part of Lot 1, a part of Lot 2 and a part of Tract E, Crown Point Filing No. 1, 4th Amendment as shown on the plat recorded at Reception No. 01083111, located the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1, 4th Amendment as shown on the plat recorded at Reception No. 01083111

COMMENCING at the southwest corner of said Lot 2;

Thence North 00°17'03" West, 25.00 feet along the west line of said Lot 2 to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1, 4th Amendment plat recorded at Reception No. 01083111, said point being the **POINT OF BEGINNING**;

Thence South 89°47'24" West, 57.51 feet, along the north line of said easement, parallel with and 25.00 feet northerly of the southerly line of said Lot 1;

Thence North 00°12'36" West, 40.85 feet;

Thence North 55°52'06" East, 40.30 feet;

Thence North 55°23'58" East, 29.04 feet to the east line of said Lot 1;

Thence continuing North 55°23'58" East, 72.42 feet;

Thence North 60°04'44" East, 51.78 feet;

Thence North 52°02'51" West, 4.50 feet;

Thence North 63°52'21" West, 18.79 feet;

Thence North 73°12'45" West, 12.03 feet;

Thence North 84°36'32" West, 17.73 feet;

Thence South 88°10'45" West, 15.36 feet;

Thence North 86°03'27" West, 9.42 feet;

Thence North 83°07'06" West, 16.06 feet;

Thence North 76°43'34" West, 14.29 feet;

Thence North 59°44'57" West, 0.85 feet to the west line of said Tract E;

Thence continuing North 59°44'57" West, 29.94 feet;

Thence North 42°29'41" East, 20.47 feet;

Thence South 59°44'57" East, 13.80 feet to the east line of said Lot 1;

Thence continuing South 59°44'57" East, 9.66 feet;

Thence South 76°43'34" East, 10.19 feet;

Thence South 83°07'06" East, 14.43 feet;

Thence South 86°03'27" East, 7.90 feet;

Thence North 88°10'45" East, 15.61 feet;

Thence South 84°36'32" East, 20.99 feet;

Thence South 73°12'45" East, 15.66 feet;

Thence South 63°52'21" East, 22.50 feet;

Thence South 52°02'51" East, 10.61 feet;

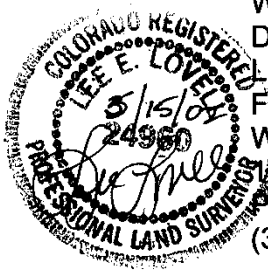
EXHIBIT 2

EXHIBIT B

Thence North 39°58'37" East, 12.57 feet;
Thence North 14°14'48" East, 21.48 feet;
Thence North 10°41'56" West, 116.42 feet to the north line of said Tract E;
Thence continuing North 10°41'56" West, 10.94 feet;
Thence North 90°00'00" East, 52.50 feet;
Thence South 17°13'03" East, 24.86 feet to the easterly line of said Tract E;
Thence continuing South 17°13'03" East, 86.48 feet;
Thence South 70°36'02" East, 40.47 feet to the easterly line of said Tract E ;
Thence continuing South 70°36'02" East, 167.78 feet;
Thence South 00°12'36" East, 138.63 feet, to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1, 4th Amendment plat recorded at Reception No. 01083111;
Thence South 89°47'24" West, 391.70 feet along, along the north line of said 25.00' wide drainage easement, parallel with and 25.00 feet northerly of the southerly line of said Lot 1 to the **POINT OF BEGINNING**.

Containing 76,185 square feet or 1.7490 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI Job No. : 20221-001

Date: May 13, 2002

Lee E. Lovell, PLS 24960

For and on Behalf of

Western States Surveying, Inc

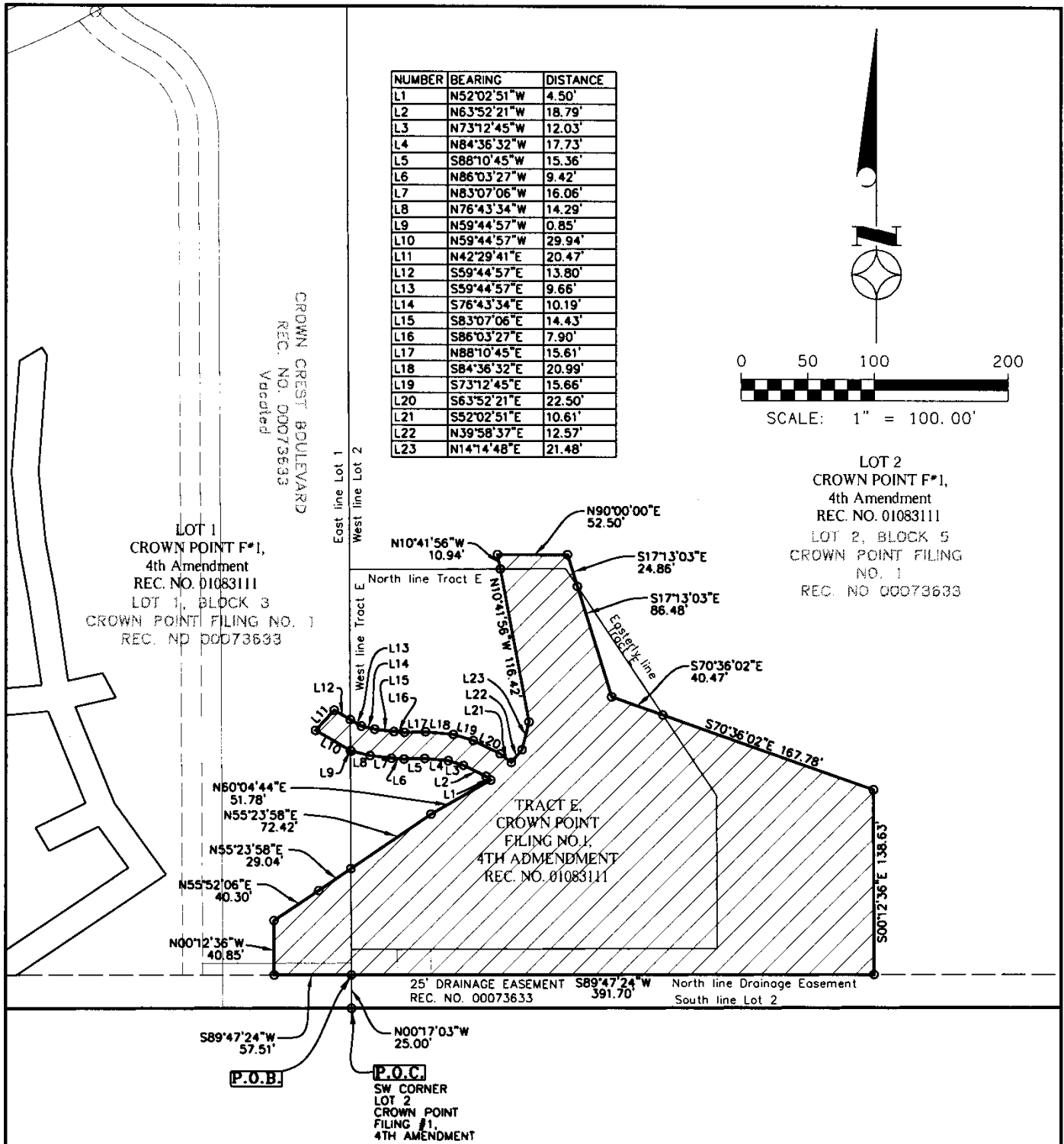
2753 S. Parker Road, Suite 205

Parker, CO 80134

(303) 841-7436

Notice: According to Colorado law you must commence any legal actions based upon a defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT B



JOB NO.: 9368-008

SCALE: 1" = 100 ft

DATE: 05/13/02

SURVEYOR: lel

DRAWN BY: lel

Drainage Easement

Town of Parker

Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas

WESTERN STATES
SURVEYING, Inc.
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT C

LEGAL DESCRIPTION

Drainage Easement

A parcel of land being a part of Lot 1, Crown Point Filing No. 1, 4th Amendment, as shown on the plat recorded at Reception No. 01083111, a part of Lot 1, Block 1B and a part of Tract G, Crown Point Filing No. 1, as shown on the plat recorded at Reception No. 0073633, all located in the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1, 4th Admendment, as shown on the plat recorded at Reception No. 01083111.

COMMENCING at the southeast corner of said Lot 1, Crown Point Filing No. 1, 4th Amendment; Thence North 00°17'03" West, 25.00 feet, along the east line of said Lot 1 to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1, plat recorded at Reception No. 00073633;

Thence South 89°47'24" West, 249.87 feet, along the north line of said easement, parallel with and 25.00 feet northerly of the south line of said Lot 1, to the **POINT OF BEGINNING**;

Thence continuing South 89°47'24" West, 713.22 feet, along the north line of said easement;

Thence North 23°49'53" West, 47.25 feet, along the easterly line of said easement, to the easterly line of Lot 1, Block 1B, as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;

Thence continuing North 23°49'53" West, 200.11 feet, along the easterly line of said easement;

Thence North 90°00'00" East, 29.32 feet, to a point on the easterly line of Lot 1, Block 1B, as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;

Thence continuing North 90°00'00" East, 37.60 feet;

Thence North 06°28'36" West, 97.16 feet;

Thence North 24°21'14" West, 75.00 feet, to a point on the southerly line of Tract G, as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;

Thence continuing North 24°21'14" West, 215.13 feet;

Thence North 65°43'12" East, 168.31 feet;

Thence South 88°05'38" East, 55.53 feet, to a point on the easterly line of said Tract G;

Thence continuing South 88°05'38" East, 222.55 feet;

Thence South 84°13'11" East, 101.76 feet;

Thence South 85°04'09" East, 130.09 feet;

Thence South 05°19'09" West, 20.00 feet;

Thence North 85°04'09" West, 130.10 feet;

Thence North 84°13'11" West, 101.23 feet;

Thence North 88°05'38" West, 251.38 feet, to a point on the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment;

Thence continuing North 88°05'38" West, 21.38 feet;

Thence South 65°43'12" West, 143.63 feet;

Thence South 24°21'14" East, 9.01 feet;

Thence North 65°21'29" East, 38.93 feet;

Thence South 24°38'31" East, 20.00 feet;

Thence South 65°21'29" West, 39.03 feet;

EXHIBIT 2

EXHIBIT C

Thence South 24°21'14" East, 123.28 feet;
Thence North 69°06'09" East, 47.69 feet, to a point on the westerly line of said Lot 1;
Thence continuing North 69°06'09" East, 15.28 feet;
Thence North 80°09'42" East, 168.56 feet;
Thence South 00°00'00" West, 20.30 feet;
Thence South 80°09'42" West, 163.15 feet;
Thence South 69°06'09" West, 24.88 feet, to a point on the easterly line of said Tract G;
Thence continuing South 69°06'09" West, 34.94 feet along said line ;
Thence South 24°21'14" East, 22.76 feet, to a point on the southerly line of said Tract G;
Thence continuing South 24°21'14" East, 11.13 feet;
Thence North 65°44'04" East, 8.45 feet;
Thence South 24°15'56" East, 24.67 feet;
Thence South 65°44'04" West, 8.41 feet;
Thence South 24°21'14" East, 42.37 feet;
Thence South 06°28'36" East, 99.16 feet;
Thence South 60°02'50" East, 113.50 feet;
Thence South 00°00'00" West, 159.91 feet;
Thence North 89°48'01" East, 243.62 feet;
Thence North 00°11'59" West, 17.68 feet;
Thence North 86°54'30" East, 20.03 feet;
Thence South 00°11'59" East, 21.20 feet;
Thence North 89°48'01" East, 6.38 feet;
Thence North 13°52'57" East, 177.37 feet;
Thence South 84°40'51" East, 20.23 feet;
Thence South 13°52'57" West, 175.36 feet;
Thence North 89°48'01" East, 316.80 feet;
Thence North 55°46'49" East, 125.68 feet;
Thence North 35°44'55" West, 38.14 feet;
Thence South 63°29'44" West, 41.00 feet;
Thence North 29°50'42" West, 20.03 feet;
Thence North 63°29'44" East, 41.40 feet;
Thence North 21°54'07" West, 74.30 feet;
Thence South 84°42'01" West, 54.46 feet;
Thence North 05°19'09" East, 20.35 feet;
Thence North 84°42'01" East, 47.63 feet;
Thence North 08°15'28" West, 65.59 feet;
Thence North 10°33'45" West, 40.41 feet;
Thence North 05°42'02" West, 54.61 feet;
Thence North 04°03'08" East, 83.76 feet;
Thence North 58°58'08" East, 19.50 feet;
Thence South 31°01'52" East, 7.03 feet;
Thence South 04°03'08" West, 87.51 feet;
Thence South 05°42'02" East, 52.05 feet;
Thence South 10°33'45" East, 39.96 feet;
Thence South 08°15'28" East, 65.66 feet;
Thence North 77°01'32" East, 26.24 feet;

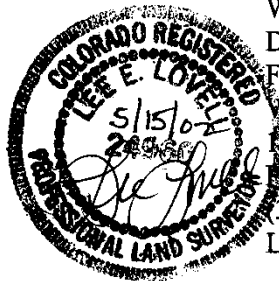
EXHIBIT 2

EXHIBIT C

Thence South 28°38'18" East, 20.77 feet;
Thence South 77°01'32" West, 31.01 feet;
Thence South 21°54'07" East, 77.91 feet;
Thence South 35°44'55" East, 66.14 feet;
Thence South 55°46'49" West, 134.74 feet, to a point on the north line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633, said point being the **POINT OF BEGINNING**.

Containing 78,520 square feet or 1.8026 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO: 20221-001

DATE: May 14, 2002

For and on Behalf of

WESTERN STATES SURVEYING, INC.

12753 South Parker Road, Suite 205

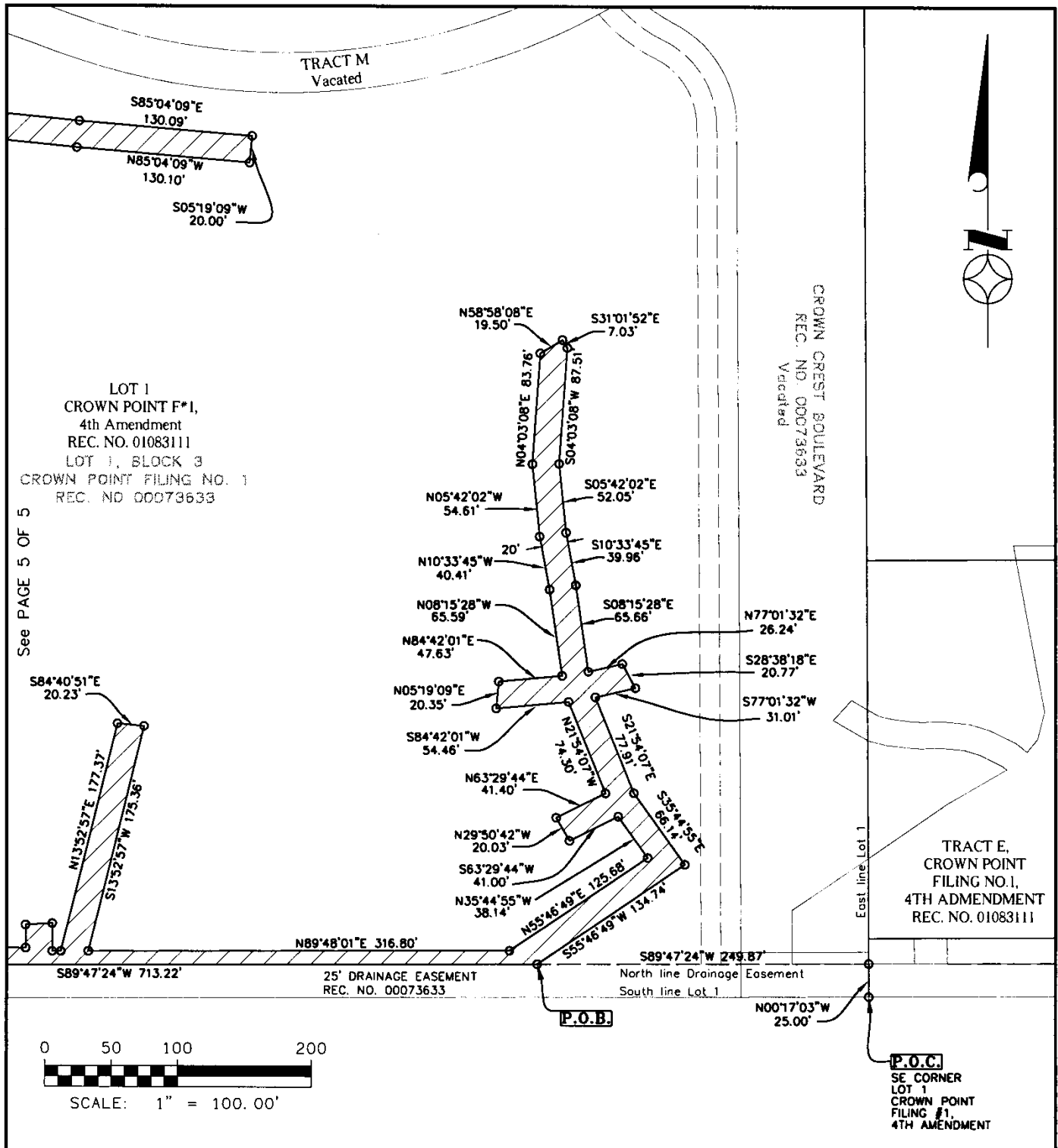
Parker, CO 80134-3486

(303) 841-7436

Lee E. Lovell, PLS 24960

Notice: According to Colorado law you must commence any legal actions based upon a defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT c



JOB NO.: 20221-001

SCALE: 1" = 100 ft

DATE: 05/14/02

SURVEYOR: lel

DRAWN BY: RDC

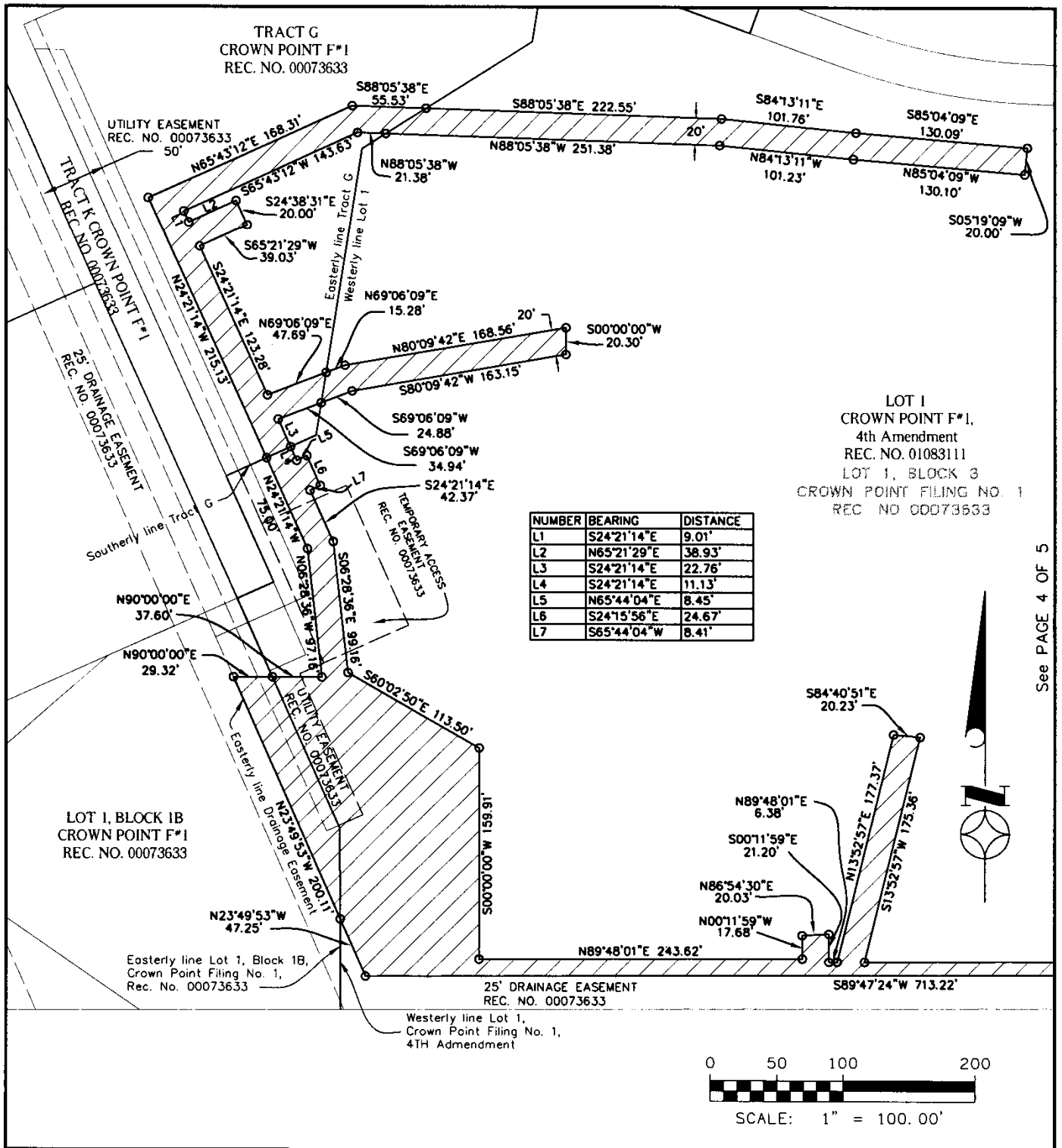
Drainage Easement

Town of Parker

Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas

**WESTERN STATES
SURVEYING, Inc.**
12753 SOUTH PARKER ROAD, SUITE 205
PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT c



See PAGE 4 OF 5

JOB NO.: 20221-001
 SCALE: 1" = 100 ft
 DATE: 05/14/02
 SURVEYOR: lel
 DRAWN BY: RDC

Drainage Easement
Town of Parker
Crown Point Filing #1, 4th Amendment
Town of Parker, County of Douglas

WESTERN STATES
SURVEYING, Inc.
 12753 SOUTH PARKER ROAD, SUITE 205
 PARKER, COLORADO 80134 (303) 841-7436

EXHIBIT D

DESCRIPTION
Drainage Easement

A parcel of land being a part of Lot 1, Crown Point Filing No. 1, 4th Amendment, as shown on the plat recorded at Reception No. 01083111, a part of Lot 1, Block 1B, and a part of Tract G, both of Crown Point Filing No. 1 as shown on the plat recorded at Reception No. 0073633, all located in the North Half of Section 10, Township 6 South, Range 66 West of the Sixth Principal Meridian, Town of Parker, County of Douglas, State of Colorado, being more particularly described as follows:

NOTE: For the purpose of this description the bearings are based on the Crown Point Filing No. 1, 4th Amendment as shown on the plat recorded at Reception No. 01083111

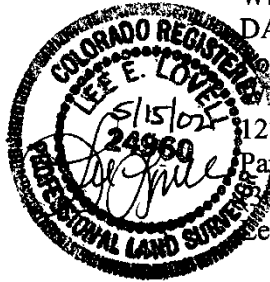
COMMENCING at the southwest corner of said Lot 1, Crown Point Filing No. 1, 4th Amendment; Thence North 00°17'03" West, 68.29 feet, along the westerly line of said Lot 1, to a point on the easterly line of a 25.00' wide drainage easement as shown the Crown Point Filing No. 1 plat recorded at Reception No. 00073633;
Thence North 23°49'53" West, 232.86 feet, along the easterly line of said easement, to the **POINT OF BEGINNING**;
Thence continuing North 23°49'53" West, 20.00 feet, along the easterly line of said easement, to the northerly line of said Lot 1, Block 1B;
Thence North 65°53'04" East, 26.50 feet, along said northerly line, to the Northeast Corner of said Lot 1, Block 1B;
Thence continuing North 65°53'04" East, 30.00 feet, along the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment;
Thence North 24°06'56" West, 87.35 feet, along the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment, to a point on the southerly line of said Tract G;
Thence continuing North 24°06'56" West, 351.45 feet, along the westerly line of said Tract G;
Thence South 89°22'01" East, 22.02 feet;
Thence South 24°06'56" East, 342.13 feet, parallel with and 20.00 feet easterly of the westerly line of said Tract G, to a point on the southerly line of said Tract G;
Thence continuing South 24°06'56" East, 107.44 feet, parallel with and 20.00 feet southeasterly of the westerly line of said Lot 1;
Thence South 65°53'04" West, 50.00 feet, parallel with and 20.00 feet easterly of the westerly line of said Lot 1, Crown Point Filing No. 1, 4th Amendment, to the easterly line of said Lot 1, Block 1B;
Thence continuing South 65°53'04" West, 26.59 feet, parallel with and 20.00 feet southerly of the northerly line of said Lot 1, Block 1B, to the **POINT OF BEGINNING**.

EXHIBIT 2

EXHIBIT D

Containing 10,213 square feet or 0.2345 acres, more or less.

I hereby certify that the above legal description was prepared under my direct supervision.



WSSI JOB NO: 20221-001

DATE: May 14, 2002

for and on Behalf of

WESTERN STATES SURVEYING, INC.

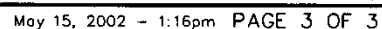
12753 South Parker Road, Suite 205

Parker, CO 80134-3486

(303) 841-7436

Lee E. Lovell, PLS 24960

Notice: According to Colorado law you must commence any legal actions based upon a defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.





Request for Town Council Action

Date: June 4, 2018

Submitted By: Mary Lou Brown, Finance Director
Linda Quade, Sales Tax Administrator

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 8.28.6 - First Reading**
A Bill for an Ordinance to Amend Section 4.03.030 and
Subsection 4.03.200(a) of the Parker Municipal Code
Concerning Sales Tax and Qualified Nonprofit Organizations

Department: Finance, Mary Lou Brown
Finance, Linda Quade

Second Reading: June 18, 2018

EXECUTIVE SUMMARY

The Parker Municipal Code (the "Code") imposes sales tax on all non-profit organizations that do not meet the charitable purpose test set forth in Section 4.03.200(a)(2) of the Code. The Code relies on the following definition of a charitable organization, adopted in 2017 as part of the Town's revision of the Code and is consistent with the adoption of the CML standard sales tax definitions as applied to the Town:

Charitable organization as defined by Code Section 4.03.030 means any entity which:

- (1) has been certified as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code; and
- (2) is an organization which exclusively, and in a manner consistent with existing laws and for the benefit of an indefinite number of persons or animals, freely and voluntarily ministers to the physical, mental, or spiritual needs of persons or animals, and thereby lessens the burden of government.

The Code, if revised by Ordinance No. 8.28.6 would include the CML standard definition for "qualified nonprofit organizations," and would exempt qualified nonprofit organizations from sales tax for "all sales made to, billed directly to, and paid directly by, a qualified nonprofit organization." See Section 4.03.200(a)(2) of Ordinance No. 8.28.6.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town would like to create a fair and rational basis for exempting charitable organizations from Town sales tax. Ordinance No. 8.28.6 would amend Section 4.03.200(a) of the Code and add the following exemptions "(46) All sales made to, billed directly to, and paid directly by, a qualified nonprofit organization."

FINANCIAL IMPACT

The full financial impact is not known as current sales tax collections for non-profits were minimal; the largest non-profit was not currently remitting.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 8.28.6

RECOMMENDED MOTION

I move to approve Ordinance No. 8.28.6 on first reading and to schedule second reading for June 18, 2018, as part of the consent agenda.

ORDINANCE NO. 8.28.6, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 4.03.030 AND SUBSECTION 4.03.200(a) OF THE PARKER MUNICIPAL CODE CONCERNING SALES TAX AND QUALIFIED NONPROFIT ORGANIZATIONS

WHEREAS, from time to time as part of administering a local sales and use tax code, minor modifications are required to ensure the intended result; and

WHEREAS, the Town Council has determined, following careful review and recommendation by staff, that the changes proposed by this ordinance do not constitute a change in tax policy requiring voter approval under TABOR and that all of the proposed changes are revenue neutral.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 4.03.030 of the Parker Municipal Code is amended by the addition of a new definition to read as follows:

4.03.030 Definitions.

For the purpose of this Code, unless the context clearly indicates otherwise, the words, terms and phrases set forth below shall have the following meanings:

* * *

Qualified nonprofit organization means any of the following:

a. An organization that is a public charity as defined by Section 509(a)(1) and Section 170(b)(1)(A)(iii) of the United States Internal Revenue Code, Title 26, U.S.C., as amended;

b. A corporation or trust that is exempt from federal income tax under Section 501(c)(3) of the United States Internal Revenue Code, Title 26, U.S.C., as amended, and owns or employs personal property or improvements that are used in the operations of one or more organizations described in Paragraph (a) above; and either

1. Directly controls, or is controlled by, one or more organizations described in Paragraph (a) above; or

2. Is controlled by a management organization as defined in Paragraph (c) below in common with one or more organizations described in Paragraph (a) above; or

c. An organization that is exempt from federal income tax under Section 501(c)(3) the United States Internal Revenue Code, Title 26, U.S.C., as amended, and a principal function of which is to manage the property or operations, or both, of one or more organizations described in Paragraphs (a) or (b) above; and

d. A partnership, limited partnership, limited liability limited partnership, limited liability partnership, limited liability company, or joint venture if all of the partners, members, joint venturers or other participants in such partnership, limited partnership, limited liability limited partnership, limited liability partnership, limited liability company or joint venture are organizations described in Paragraphs (a), (b) or (c) above.

Section 2. Subsection 4.03.200(a) of the Parker Municipal Code is amended by the addition of a new Paragraph (46) to read as follows:

4.03.200 Sales tax - Exempt property and services.

(a) The following goods and services shall be exempt from sales tax under the provisions of this Code:

* * *

(46) All sales made to, billed directly to, and paid directly by, a qualified nonprofit organization.

Section 3. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 4, 2018

Submitted By: Mary Lou Brown, Finance Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 8.28.7 - First Reading**
A Bill for an Ordinance to Amend Subsection 4.03.200(a) of the Parker Municipal Code Concerning Sales Tax on Gas and Electric Service

Department: Finance, Mary Lou Brown
Finance, Linda Quade

Second Reading: June 18, 2018

EXECUTIVE SUMMARY

The proposed ordinance amendment adds gas and electric service and the sale and purchase of electricity or gas for industrial use to the list of goods and services that are exempt from sales tax.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Staff is recommending a modification to the Town's Sales and Use Tax Code. The change adds an additional sales tax exemption to 4.03.200 Sales Tax-Exempt property and services. The proposed exemption is for gas and electric service and the sales and purchase of electricity or gas for industrial use. This recommendation does not constitute a change in tax policy requiring voter approval under TABOR.

FINANCIAL IMPACT

There is no material financial impact to the Town from the addition of this exemption.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Ordinance No. 8.28.7

RECOMMENDED MOTION

I move to approve Ordinance No. 8.28.7 on first reading and to schedule second reading for June 18, 2018, as part of the consent agenda.

ORDINANCE NO. 8.28.7, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SUBSECTION 4.03.200(a) OF THE PARKER MUNICIPAL CODE CONCERNING SALES TAX ON GAS AND ELECTRIC SERVICE

WHEREAS, from time to time as part of administering a local sales and use tax code, minor modifications are required to ensure the intended result; and

WHEREAS, the Town Council has determined, following careful review and recommendation by staff, that the changes proposed by this ordinance do not constitute a change in tax policy requiring voter approval under TABOR and that all of the proposed changes are revenue neutral.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Subsection 4.03.200(a), of the Parker Municipal Code is hereby amended by the addition of a new Paragraph (47), which shall read as follows:

4.03.200 Sales tax—Exempt property and services.

(a) The following goods and services shall be exempt from sales tax under the provisions of this Code:

* * *

(47) Gas and electric service and the sale and purchase of electricity or gas for industrial use, meaning use in a continuing business activity of manufacturing or producing tangible personal property or services, as determined by the Town. For purposes of this exemption, manufacturing means the act of producing an item of tangible personal property different from and having a distinctive name, character, or use from raw materials, including the processing of recovered materials, and industrial use does not include the provision of telegraph or telephone services or radio communications.

Section 2. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court

of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 4, 2018

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.89.4 - First Reading**
A Bill for an Ordinance to Amend Section 11.01.030 of the
Parker Municipal Code Concerning the Parker
Administrative Code

Department: Town Attorney, Jim Maloney
Second Reading: June 18, 2018

EXECUTIVE SUMMARY

The purpose of this ordinance and Ordinance No. 3.01.25.3 is to authorize the Town to enforce violations by developers/contractors of the rules and regulations of the water and sewer providers that serve the Town by the issuance of stop work orders and to authorize the Town to withhold building permits for projects that are not in compliance with all applicable public utility requirements and regulations.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parker Water and Sanitation District (the “District”) contacted the Town after the first of the year seeking assistance from the Town to enforce violations of the District’s rules and regulations by developers/contractors. On example offered by the District involved a developer that was using the District’s water during a construction activity without using the District’s meter and without proper backflow prevention when spraying insulation on structures during construction. Although the District could impose fines, the District is powerless to secure immediate relief in matters involving public safety without the assistance of the Town, which would involve stop work orders and/or the refusal to issue permits. The proposed ordinances were expanded to include not only the District, but all water and sewer providers that serve the Town, as well as other public utilities.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 4.89.4
2. Parker Administrative Code - 2018 Amendments - 2 Sections

RECOMMENDED MOTION

I move to approve Ordinance No. 4.89.4 on first reading and to schedule second reading for June 18, 2018, as part of the consent agenda.

ORDINANCE NO. 4.89.4, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 11.01.030 OF THE PARKER MUNICIPAL CODE CONCERNING THE PARKER ADMINISTRATIVE CODE

WHEREAS, the Town of Parker's water and sewer needs are served by the Parker Water and Sanitation District, and the Town's other utility needs are served by various other public utilities;

WHEREAS, the Town and these public utilities work together to ensure responsible, well-planned development within the Town; and

WHEREAS, minor changes to the Parker Municipal Code and the Parker Administrative Code, which is adopted by the Parker Municipal Code, will allow the Town to halt Town-authorized construction activities when a project is not in compliance with an applicable public utility's requirements or regulations.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 11.01.030 of the Parker Municipal Code is amended to read as follows:

11.01.030 Parker Administrative Code adopted.

Pursuant to Section 7.7 of the Town of Parker Home Rule Charter, the Parker Administrative Code, ~~2015~~ **July 2018** Edition, as published by the Town of Parker, Colorado, 20120 E. Mainstreet, Parker, CO 80138-7344, is adopted by reference and incorporated into this Chapter as though fully set forth herein. The Parker Administrative Code is adopted in full, including the outline of contents, index and appendices contained therein.

Section 2. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

PARKER ADMINISTRATIVE CODE

2015 EDITION (with revisions to Sections 101.2 and 202.4 for adoption in 2018)

SECTION 101. TITLE, PURPOSE and SCOPE

* * *

101.2 Purpose. The purpose of this code is to provide for the administration and enforcement of the codes adopted by the Town of Parker which include the Parker Building Code, Parker Residential Code for One- and Two-Family Dwellings, Parker Plumbing Code, Parker Mechanical Code, Parker Energy Conservation Code, Parker Existing Building Code, Parker Swimming Pool and Spa Code, Parker Nonresidential Property Maintenance Code, ~~and~~ **Parker Fuel Gas Code, Roadway Design and Construction Criteria Manual, and the Storm Drainage and Environmental Criteria Manual**, all of which are hereinafter referred to as the *Parker Technical Codes*.

* * *

SECTION 202. POWERS AND DUTIES OF CHIEF BUILDING OFFICIAL

202.1 General. The chief building official is hereby authorized and directed to enforce all the provisions of this code and the referenced *Parker Technical Codes*. For such purposes, the chief building official shall have the powers of a law enforcement officer.

The chief building official shall have the power to render interpretations of the *Parker Technical Codes*, and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

202.2 Deputies. In accordance with prescribed procedures and with the approval of the appointing authority, the chief building official may appoint such number of technical officers and inspectors and other employees as shall be authorized from time to time. The chief building official may deputize such inspectors or employees as may be necessary to carry out the functions of the code enforcement agency.

202.3 Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of the *Parker Technical Codes*, or whenever the chief building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the chief building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the chief building official by such *Parker Technical Codes*; provided that if such building or premises be occupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. Should entry be refused, the chief building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

When the chief building official or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other person have charge, care or control of the building or premises shall fail or neglect, after

proper demand is made as herein provided, to promptly permit entry therein by the chief building official or his authorized representative for the purpose of inspection or examination pursuant to this code.

202.4 Stop Orders. Whenever any work is being done contrary to the provisions of this code, **and the *Parker Technical Codes*, rules and regulations of the Parker Water and Sanitation District, Cottonwood Water and Sanitation District, Stonegate Village Metropolitan District, or any applicable public utility rule or regulation**, the chief building official may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the chief building official to proceed with the work.

202.5 Occupancy Violations. Whenever any building or structure or building service equipment therein regulated by the *Parker Technical Codes* is being used contrary to the provisions of such codes, the chief building official may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use in the time prescribed by the chief building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the *Parker Technical Codes*.

202.6 Authority to Disconnect Utilities. The chief building official or his authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by the *Parker Technical Codes* in case of emergency where necessary to eliminate an immediate hazard to life or property. The chief building official shall whenever possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

202.7 Authority to Condemn Building Service Equipment. Whenever the chief building official ascertains that any building service equipment regulated in the *Parker Technical Codes* has become hazardous to life, health, property, or becomes unsanitary, he shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice. When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building service equipment is maintained in violation of the *Parker Technical Codes* and in violation of any notice issued pursuant to the provisions of this section, the chief building official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

202.8 Connection After Order to Disconnect. No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the chief building official or the use of which has been ordered to be discontinued by the chief building official until the chief building official authorizes the reconnection and use of such equipment.



Request for Town Council Action

Date: June 4, 2018

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 3.01.25.3 - First Reading**
A Bill for an Ordinance to Amend Section 13.10.160 of the
Parker Municipal Code to Ensure Compliance of New
Construction with Public Utility Regulations

Department: Town Attorney, Jim Maloney
Second Reading: June 18, 2018

EXECUTIVE SUMMARY

The purpose of this ordinance and Ordinance No. 4.89.4 is to authorize the Town to enforce violations by developers/contractors of the rules and regulations of the water and sewer providers that serve the Town by the issuance of stop work orders and to authorize the Town to withhold building permits for projects that are not in compliance with all applicable public utility requirements and regulations.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parker Water and Sanitation District (the “District”) contacted the Town after the first of the year seeking assistance from the Town to enforce violations of the District’s rules and regulations by developers/contractors. On example offered by the District involved a developer that was using the District’s water during a construction activity without using the District’s meter and without proper backflow prevention when spraying insulation on structures during construction. Although the District could impose fines, the District is powerless to secure immediate relief in matters involving public safety without the assistance of the Town, which would involve stop work orders and/or the refusal to issue permits. The proposed ordinances were expanded to include not only the District, but all water and sewer providers that serve the Town, as well as other public utilities.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

1. Ordinance No. 3.01.25.3

RECOMMENDED MOTION

I move to approve Ordinance No. 3.01.25.3 on first reading and to schedule second reading for June 18, 2018, as part of the consent agenda.

ORDINANCE NO. 3.01.25.3, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.10.160 OF THE PARKER MUNICIPAL CODE TO ENSURE COMPLIANCE OF NEW CONSTRUCTION WITH PUBLIC UTILITY REGULATIONS

WHEREAS, the Town of Parker's water and sewer needs are served by the Parker Water and Sanitation District, and the Town's other utility needs are served by various other public utilities;

WHEREAS, the Town and these public utilities work together to ensure responsible, well-planned development within the Town; and

WHEREAS, minor changes to the Parker Municipal Code and the Parker Administrative Code, which is adopted by the Parker Municipal Code, will allow the Town to halt Town-authorized construction activities when a project is not in compliance with an applicable public utility's requirements or regulations.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 13.10.060 of the Parker Municipal Code is amended by the addition of a new Subsection (8) to read as follows:

13.10.060 Construction activities.

It is the policy of the Town to regulate construction activities and their disruption of rights-of-way, private property and property survey monuments among other items, and thus require the following:

(1) Disruptions. Whenever it becomes necessary to physically disrupt the surface or subsurface of any public street, or through the course of construction the surface of the road is significantly deteriorated, the roadway shall be restored to its original condition or an improved condition by the developer in accordance with ordinances of the Town and the provisions of the Roadway Design and Construction Criteria Manual of the Town.

(2) Surface rehabilitation. All surface disruptions associated with the installation of utilities shall be returned to the natural or naturally appearing grade, shall be properly treated for the surface discharge of water, and shall be revegetated with grasses or other suitable ground cover at a minimum. Paved and other similar surfaces shall be returned to their prior condition.

(3) As-built construction drawings. As-built construction drawings of all utility installations which are located in municipally owned areas or in areas to be dedicated to the Town shall be submitted to the Town prior to issuance of a certificate of occupancy by the Town.

(4) Property survey monuments. Prior to issuance of a certificate of occupancy, the applicant shall submit a certificate signed by a registered land surveyor attesting that the subject property corners have been established and monumented in the field. These property corners shall be shown on the plot plan and the structure or structures shall be referenced from at least one (1) of these corners. Said reference corner shall be established as the vertical control benchmark for the entire project.

(5) Public right-of-way survey monuments. Prior to submitting an application for a building permit, the applicant shall verify with the Director of Engineering that any primary or secondary monuments (*e.g.*, right-of-way monuments, permanent subdivision corners, etc.) which exist in the construction vicinity, and which may be disturbed during any phase of the construction process, have been located in the field and have been cross-referenced by a registered land surveyor. The applicant shall submit a certificate signed by a registered land surveyor that the monuments have been located in the field and stating the cross-reference data being used by the surveyor. If in fact a monument has been disturbed, the replacement of the disturbed monument shall be at the expense of the developer.

(6) Periodic compliance review. The Planning Department or any other Town department may elect to require site compliance inspections during the course of Building Department inspections. These inspections may be required prior to the finalization of a particular construction phase and shall be incorporated into the Building Department inspection process.

(7) Construction. Storage of all construction material and parking of employee vehicles shall be within the legal boundaries of the project or an approved alternate site. None of the aforementioned shall be placed on public right-of-way without the express written permission of the Town, or block access to the project, particularly access by emergency vehicles.

(8) Utilities. Prior to submitting an application for a building permit, the applicant shall verify with the Director of Engineering that the subject property is in compliance with all applicable public utility requirements and regulations. The Town may withhold building permits for noncompliance with applicable public utility requirements and regulations.

Section 2. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court

of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Request for Town Council Action

Date: June 4, 2018

Submitted By: Jim Maloney, Town Attorney

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 9.276 - First Reading**
A Bill for an Ordinance Approving the Intergovernmental Agreement with the Douglas County Clerk and Recorder Regarding the Conduct and Administration of the November 6, 2018, Coordinated Election

Department: Town Attorney, Jim Maloney
Town Clerk, Carol Baumgartner

Second Reading: June 18, 2018

EXECUTIVE SUMMARY

The Town's regular election will be conducted as a coordinated election with Douglas County. The Town and Douglas County are required to enter into an intergovernmental agreement to govern the conduct of the election, pursuant to C.R.S. § 1-7-116(2).

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Under the "Uniform Election Code," the Town will coordinate its election with Douglas County. On February 5, 2018, the Town Council passed Resolution No. 18-011 in order to participate in the November 6, 2018, Douglas County coordinated election. Under the Uniform Election Code, the Town and Douglas County are required to enter into an intergovernmental agreement to conduct the election. Attached to the ordinance is the form of the 2018 intergovernmental agreement to be entered into between the Town and Douglas County.

FINANCIAL IMPACT

The cost to the Town to participate in the coordinated election is estimated by Douglas County to be \$29,671.20.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 9.276

RECOMMENDED MOTION

I move to approve Ordinance No. 9.276 on first reading and to schedule second reading for June 18, 2018, as part of the consent agenda.

ORDINANCE NO. 9.276, Series of 2018

TITLE: A BILL FOR AN ORDINANCE APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE DOUGLAS COUNTY CLERK AND RECORDER REGARDING THE CONDUCT AND ADMINISTRATION OF THE NOVEMBER 6, 2018, COORDINATED ELECTION

WHEREAS, under Section 2.1 of the Town of Parker Home Rule Charter and Section 2.06.020 of the Parker Municipal Code, the Town has adopted the exclusive use of Title 1 of the Colorado Election Code for all Town elections that are conducted with Douglas County;

WHEREAS, the Town Council of the Town of Parker adopted Resolution No. 18-01_, Series of 2018, stating the Town's intent to participate in the Douglas County Coordinated Election on November 6, 2018, and appointing the Town Clerk as the designated election official of the Town;

WHEREAS, the Town has sufficient funds available and appropriated in its approved budget to pay the Town's prorated election expenses for the coordinated election;

WHEREAS, the Town Council of the Town of Parker desires to enter into an Intergovernmental Agreement with the Douglas County Clerk and Recorder Regarding the Conduct and Administration of the November 6, 2018, Coordinated Election; and

WHEREAS, the Town Council of the Town of Parker desires to authorize the Mayor to execute the Intergovernmental Agreement with the Douglas County Clerk and Recorder Regarding the Conduct and Administration of the November 6, 2018, Coordinated Election.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby approves the Intergovernmental Agreement by and between the Douglas County Clerk and Recorder and the Town of Parker Regarding the Conduct and Administration of the November 6, 2018, Coordinated Election, which agreement shall be in substantially the same form as the agreement attached hereto as **Exhibit 1**. The Town Council further authorizes the Mayor of the Town to enter into the Intergovernmental Agreement on behalf of the Town in substantially the same form as attached hereto, following final approval by the Town Attorney.

Section 2. The Recitals of this Ordinance are incorporated herein by the reference.

Section 3. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title

to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2015.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2015.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT 1

INTERGOVERNMENTAL AGREEMENT

BETWEEN

DOUGLAS COUNTY CLERK AND RECORDER

AND

Town of Parker

Regarding the Conduct and Administration of the

**NOVEMBER 6, 2018
GENERAL ELECTION**

**Prepared by:
Merlin Klotz
Douglas County Clerk and Recorder
125 Stephanie Place
Castle Rock, Colorado 80109
303-660-7444**



THIS AGREEMENT is made by and between the Board of County Commissioners of the County of Douglas, State of Colorado, on behalf of the Douglas County Clerk and Recorder (hereinafter referred to as the "County") and Town of Parker (hereinafter referred to as the "Jurisdiction") collectively as the "Parties"; and

WHEREAS, pursuant to the Uniform Election Code of 1992 (Articles 1 to 13 of Title 1, C.R.S.), governmental entities are encouraged to cooperate and consolidate elections in order to reduce taxpayer expenses; and

WHEREAS, pursuant to section 1-7-116, C.R.S. if more than one political subdivision holds an election on the same day in November and the eligible electors for each such election are the same or the boundaries overlap, the County Clerk and Recorder is the Coordinated Election Official and, pursuant to section 1-5-401, C.R.S. shall conduct the elections on behalf of all political subdivisions utilizing the mail ballot procedures set forth in article 7.5 of title 1; and

WHEREAS, the County and Jurisdiction have determined that section 1-7-116, C.R.S. applies and it is in the best interest of the taxpayers and the electors to enter into this Agreement to conduct the General Election on November 6, 2018; and

WHEREAS, such agreements are authorized pursuant to Article XIV, Section 18 of the Colorado Constitution, and sections 1-7-116 and 29-1-203, C.R.S. ,

NOW, THEREFORE, for and in consideration of the promises herein contained, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. This election shall be conducted as a coordinated election in accordance with the Uniform Election Code of 1992 (Articles 1-13 of Title 1, C.R.S.). The election participants will execute agreements with Douglas County for this purpose and may include municipalities, school districts, and special districts within the Douglas County limits and the State of Colorado.
2. The Douglas County Clerk and Recorder shall be designated as the Chief Election Official (hereinafter "CEO").
3. FURTHER, the Parties agree as follows:

**SECTION I.
PURPOSE AND GENERAL MATTERS**

1.01 DEFINITIONS:

- A. **"Address Library Report"** means the address report from the Secretary of State (hereinafter "SOS") voter registration system, which defines street addresses within the jurisdiction.
- B. **"Chief Election Official"**, (hereinafter "CEO") shall mean the County Clerk and Recorder shall act as the Coordinated Election Official, as defined within the Code and Rules and, as such, shall conduct the election for the Jurisdiction for all matters in the Code and the Rules which require action by the CEO.
- C. **"Colorado Election Code"** or "Code" means any part of the Uniform Election Code of 1992, (Articles 1-13 of Title 1, C.R.S.) or any other Title of C.R.S. governing participating Jurisdiction's election matters, as well as the Colorado Constitution, and the State of Colorado Secretary of State (SOS) Rules.
- D. **"Coordinated Election"** means an election where more than one jurisdiction with overlapping boundaries or the same electors holds an election on the same day and the eligible electors are all registered electors, and the County Clerk is the Chief Election Official for the jurisdictions.
- E. **"Computation of Time"** (pursuant to section 1-1-106 C.R.S.) means calendar days shall be used in all computations of time made under the provisions of this IGA. In computing any period of days prescribed by this IGA, the day of the act or event from which the designated period of days begins to run shall not be included and the last day shall be included. Saturdays, Sundays, and legal holidays shall be included. If the last day for any act to be done or the last day of any period is a Saturday, Sunday, or legal holiday and completion of such act involves a filing or other action during business hours, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday. If the state constitution or state statute requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months "before" the date of an election, or any phrase that suggest a similar meaning, the period is shortened to and ends on the prior business day that is not a Saturday, Sunday, or legal holiday, except as provided in section 1-2-201(3).
- F. **"Contact Officer"** who shall act as the primary liaison or contact between the Jurisdiction and the County Clerk. The Contact Officer shall be that person under the authority of the County Clerk who will have primary responsibility for the coordination of the election for the Jurisdiction and the procedures to be completed by the County Clerk hereunder.

- G. **“Designated Election Official”** (hereinafter “DEO”), who shall be identified by the Jurisdiction to act as the primary liaison between the Jurisdiction and the Contact Officer and who will have primary responsibility for the conduct of election procedures to be handled by the Jurisdiction hereunder. To the extent that the Code requires that an Election Official of the Jurisdiction conduct a task, the DEO shall conduct same.
- H. **“District Boundary Map”** means the map which shows a specific jurisdiction’s boundaries according to the records on file with the County Assessor.
- I. **“General Election”** means the election held on the Tuesday succeeding the first Monday of November in each even-numbered year.
- J. **“IGA”** means Intergovernmental Agreement between the County and the Jurisdiction for election coordination.
- K. **“Jurisdiction”** means special districts, municipalities, or other local governments participating in the Coordinated Election under the terms of this Agreement.
- L. **“Mail Ballot Packet”** means the packet of information provided by the chief election official to eligible electors in the mail ballot election. The packet includes the official ballot, voter instructions for completing the ballot, a secrecy sleeve, and an official return envelope. § 1-7.5-103(5), C.R.S.
- M. **“Risk Limiting Audit”** means such audit as set forth in SOS Rule 25.
- N. **“Proposed Jurisdiction”** means a jurisdiction which may be formed pursuant to this election which is not yet identified by a tax authority code in the County Assessor database. When the context of this Agreement so requires, a Proposed Jurisdiction will simply be referred to as a Jurisdiction.
- O. **“SOS”** means State of Colorado Secretary of State.
- P. **“Election Calendar”** means the most recent election calendar as published on the SOS website located at www.sos.state.co.us and attached hereto as Attachment C and incorporated herein by this reference.

1.02 JOINT RESPONSIBILITIES

- A. All parties shall familiarize themselves with all statutory and regulatory requirements impacting coordinated elections and TABOR notices if required – See Attachment E.

- B. Nothing herein shall be deemed or construed to relieve the CEO or the Jurisdiction from their official responsibilities for the conduct of the election, including any of their respective responsibilities under the Fair Campaign Practices Act or any local ordinances concerning fair campaign practices.
- C. All parties shall adhere to all applicable provisions of the Colorado Election Code which are necessary or appropriate to the performance of the above duties.

1.03 JURISDICTIONAL LIMITATION

- A. The Jurisdiction encompasses territory within Douglas County. This Agreement shall be construed to apply only to that portion of the Jurisdiction within Douglas County.
- B. Where the Jurisdiction is entirely contained within Douglas County, the CEO has jurisdiction in setting ballot order and number. When the Jurisdiction is split among more than one county, the Jurisdiction agrees to coordinate with the CEO prior to agreeing upon ballot order or numbering.

SECTION II. COUNTY/JURISDICTION RESPONSIBILITIES

The County and the Jurisdiction shall each perform their respective duties and/or functions within the context of this Agreement:

2.01 THE COUNTY SHALL PERFORM THE FOLLOWING TASKS IN RELATION TO SAID ELECTION:

- A. Give assistance and information to the DEO of the Jurisdiction on any matter related to elections to ensure the smooth and efficient operation of the election (such information shall not include legal advice).
- B. Designate a Contact Officer with the specific duty of assisting with the election of the Jurisdiction (such oversight shall not preclude such Contact Officer from assisting with the elections of other jurisdictions or from performance of other tasks as delegated by the CEO).
- C. The Contact Officer shall provide to the Jurisdiction's Designated Election Official such advice (not including legal advice) and oversight as may help in the conduct of the Jurisdiction's election.

- D. Use the Address Library Report or District Boundary map and any documents provided regarding annexation, inclusion and/or exclusion, to identify eligible electors within the Jurisdiction.
- a. Provide the Jurisdiction with an Address Library Report, which defines Jurisdictional boundaries in terms of residential street ranges based on County Assessor data.
 - b. Provide the Jurisdiction with a District Boundary map, which identifies the jurisdiction boundaries on record with the County Assessor office..
 - c. Provide an Annexations, Inclusions, and/or Exclusions form to the Jurisdiction.
 - d. County will verify errors, omissions, and/or corrections identified by the Jurisdiction against County Assessor data, and where appropriate, modify street ranges to accurately define the eligible electors within the Jurisdiction.
 - e. Receive from Proposed Jurisdictions a certified legal description, map, and street list, identifying all street ranges for street addresses within the proposed Jurisdiction on or before eighty (80) days prior to the election. In the event residential addresses are not available, the Proposed Jurisdiction will be required to provide a list of the land parcel numbers which are within the boundaries of the Proposed Jurisdiction.
 - f. Receive from the Jurisdiction a certification of the accuracy of the Address Library Report, along with any changes, additions, or deletions that need to be made, to the CEO eighty (80) days prior to the election.
 - g. OR, receive from the Jurisdiction a certification of the accuracy of the District Boundary map, along with any changes, additions, or deletions that need to be made, to the CEO eighty (80) days prior to the election.
- E. Contract for Mail Ballot Packets with a vendor acceptable to the CEO and remit payment directly to the vendor.
- F. Lay out the text of the official ballots in a format that complies with the Code. (See also Section 1.03 (B) herein).
- G. Provide ballot printing layouts and text for proofreading and signature approval by the Jurisdiction prior to final ballot printing.

- H. Mail the ballot packets as required by the Code.
- I. Make available a certified list of registered voters on or before the deadline as set forth within the Attachment C.
- J. Appoint, instruct, oversee, and administer the payment of the judges of the election.
- K. Coordinate, instruct, and oversee the Canvass Board.
- L. Prepare and run the required Logic and Accuracy test deck, along with a test deck provided by the Jurisdiction, on date as set forth within the Douglas County Important Dates - Attachment D, attached hereto and incorporated herein by this reference.
- M. If applicable, provide daily business day pick-up of the sealed ballot container(s) containing voted ballots from all assigned locations. Provide replacement sealed empty ballot container(s).
- N. Publish and post the required legal notices pursuant to § 1-5-205(1), C.R.S. Notice shall be published for the Jurisdiction's ballot issues, ballot questions, and/or candidates on or before the deadline as set forth within Attachment C
- O. CEO will refer members of the public and press to the DEO regarding specific questions about candidates or ballot questions.
- P. Provide the necessary electronic voting tabulation equipment, personnel properly trained in electronic tabulating equipment, programming of the vote tabulating equipment, and the facility to conduct the ballot tabulation.
- Q. Conduct and oversee the process of counting the ballots and reporting the results by Jurisdiction.
- R. Provide a secure area for no more than two persons appointed by the Jurisdiction to observe the ballot counting procedures. The Jurisdiction's Board of Canvass representative may observe each of the steps of the processing of the ballots.
- S. Conduct a re-count of the ballots where the final ballot tabulation results are close enough to require a recount by law, or if not required by statute, upon the request of the Jurisdiction, for any reason. In either scenario, the cost of the recount will be charged to the Jurisdiction. If more than one Jurisdiction is involved in the recount, the cost will be pro-rated among the participating Jurisdictions based on numbers of eligible electors.

- T. Prepare and conduct the required Risk Limiting Audit before certifying election results.
- U. Conduct a canvass of the votes and certify the results of the Jurisdiction's election within the time required by law and forthwith provide the Jurisdiction with a copy of all election statements and certificates which are to be created under the Code.
- V. Submit to the Jurisdiction an itemized invoice for all expenses incurred under this Agreement. Within thirty (30) days from the date of receipt of such invoice, the Jurisdiction shall remit to the County the total payment. See Attachments A through B for pro-ratio formulas of said charges.
- W. Store all election records as required by the Code.

2.02 THE JURISDICTION SHALL PERFORM THE FOLLOWING TASKS IN RELATION TO SAID ELECTION AND TABOR NOTICE:

- A. Identify a DEO to act as liaison between the Jurisdiction and the CEO.
- B. DEO shall familiarize themselves with all statutory and regulatory requirements impacting the Jurisdiction.
- C. Identify immediately to CEO if Jurisdiction is shared by any additional county. Procedures will be followed as per SOS Rule 4.2 to determine controlling county for purpose of setting up shared races, issues, and questions in coordinated elections. (See Section 1.03 (B) herein).
- D. The Jurisdiction shall provide the CEO with a copy of the ordinance or resolution stating that the Jurisdiction has adopted the exclusive use of Title 1 of the Colorado Election Code and that the Jurisdiction will participate in the coordinated election in accordance with the terms and conditions of this Agreement. The ordinance or resolution shall further authorize the presiding officer of the Jurisdiction or other designated person to execute this Agreement.
- E. The Jurisdiction confirms that it has sufficient funds available and appropriated in its approved budget to pay its prorated election expenses for this coordinated election.
- F. The IGA must be returned to the CEO with all pages initialed and both signature pages completed on or before the deadline as set forth within Attachment C in order to enter into an intergovernmental agreement, per the Code.

- G. It is recommended and encouraged for the jurisdiction to participate in the events listed on Attachment D. Provide at least one member, and no more than two members, from the Jurisdiction to participate in each of the steps of the election process. If at least one of the appointed members is not present, an employee of the Douglas County Clerk and Recorder will be appointed on the Jurisdiction's behalf by the CEO and the Jurisdiction will be charged for the service according to the fee structure (Attachment A).
- H. Use either the Address Library Report or District Boundary map provided by the County to identify eligible electors within the Jurisdiction.
- a. If using the Address Library Report, the information contained in the Report must be accurate. Identify any errors, omissions, and/or corrections to the street names and ranges used.
 - b. If using the District Boundary map, the Jurisdiction must certify the boundaries Douglas County has on record, and that they are identical to the boundaries on record as determined by the Jurisdiction.
 - c. Provide CEO certification of any annexations, inclusions, and or exclusions, to the Jurisdiction, including all supporting documents, on or before eighty (80) days prior to Election Day.
- I. In order for the CEO to provide correct ballots to eligible electors, the Address Library Report or the District Boundary Map must be certified by the Jurisdiction and provided by the date and to define Jurisdictional boundaries, in writing 80 days prior to Election Day. This may be accomplished through the DEO certifying the accuracy of the Address Library Report including any changes, additions, or deletions to be made to the street ranges or by certification of the District Boundary map with any discrepancies indicated, and return with signed IGA on or before the deadline as set forth within Attachment C.

In order for the CEO to provide correct ballots to eligible electors, the Address Library Report or the District Boundary Map must be certified in writing by the Jurisdiction no later than 80 days prior to Election Day. Upon receipt of the certified Address Library Report or the District Boundary Map, the DEO will make note of any identified discrepancies and/or make any necessary changes to the address database including additions, deletions, or annexations.

- a. specified herein.
- J. A Proposed Jurisdiction, not already identified by a tax authority code in the County Assessor's records, will provide the CEO's office with a certified legal description, map, and a street list, identifying the street ranges for all streets within the Proposed Jurisdiction on or before eighty (80) days prior to Election Day. In the event residential

addresses are not available, the Proposed Jurisdiction agrees to provide a list of the land parcel numbers that are within the boundaries of the Proposed Jurisdiction.

- K. Review all petition information and verify the information against the registration records, and, where applicable, the county assessor's records as per § 1-4-908, C.R.S. After review, the DEO shall notify the candidate of the number of valid signatures and whether the petition appears to be sufficient or insufficient. Upon determining that the petition is sufficient and after the time for protest has passed, the DEO shall certify the candidate to the ballot, and, if the election is a Coordinated Election, so notify the CEO.
- L. Jurisdiction is strongly encouraged to write initiatives in plain, non-technical language, worded with simplicity and clarity in compliance with all statutory requirements as per § 1-40-105(1), C.R.S.
- M. Jurisdiction shall attempt to limit initiative content to four linear ballot column inches. Content exceeding this limit will be subject to additional fees not to exceed the specified amount outlined in the Costs and Fees (Attachment A) for each additional linear ballot column inch, charged in full linear ballot column inch increments. Content limits shall not apply to candidate races.
- N. Charges are \$0.80 per registered voter, with a minimum charge of \$500, not including publication cost, excess linear ballot column inches cost, and TABOR Notice costs (if applicable).
- O. Respond to inquiries as follows: The CEO shall respond to all correspondence and calls within its expertise relating to election procedures. The CEO and Contact Officer shall refer correspondence and calls concerning the substance of the ballot issues or the operations of the Jurisdiction to a person designated by the Jurisdiction to the CEO at least forty-five (45) days prior to this election. The DEO shall have staffing by Jurisdiction and be available to the CEO; and also shall reply to the originator of such substance and operations questions within a reasonable time after being notified of the same by the CEO. The DEO shall refer correspondence and calls relating to election procedures, and which are outside of the DEO's expertise, to the Contact Officer for response.
- P. Determine the ballot title and text. Certify, if applicable, the candidate, the list of ballot issues and/or ballot questions electronically (with receipt confirmed by the County Election Department) in a plain text format on or before the deadline as set forth within Attachment C. The ballot content must be certified in the order in which it will appear on the ballot. The certified list of candidates (order determined by lot drawing, or if applicable, city/town charter), ballot issues, and/or ballot questions shall be final and the CEO will not be responsible for making any changes after the certification, except those prescribed by statute. The CEO will not accept text that includes, but is not limited to, bold, italic, underline, bullets, numbering, tables, strikethrough or indentations. All caps are reserved for TABOR issues only per the Code.

- Q. Jurisdiction is to provide the phonetic pronunciation of each candidate's name to assist with the preparation of the audio ballot at the time ballot content is certified to the County. This information shall be left in a voice message recording at (303) 663-6279 and shall include the candidate name; jurisdiction and title of office.
- R. Jurisdiction must indicate whether question(s) are a referred measure or an initiative from a citizen petition. The Jurisdiction understands and agrees that any ballot content submitted to the CEO after the above noted date may result in its candidates, issues, or questions not being on the ballot for the Coordinated Election.
- S. Proofread the layout and the text of the Jurisdiction's portion of the official ballots and TABOR notice (if applicable) and provide written notice (electronic format) of acceptance before the printing of the ballots. **Approval or requested changes must be received within two (2) hours of receiving the layout and text from the county.** This may require availability outside of normal business hours. Such acceptance is final and no changes will be made after written notice (electronic format) is given to the CEO. Failure to meet the deadline shall be observed by the CEO as acceptance. A penalty for delay or rework of the ballot or TABOR notice, will result in an additional fee to the jurisdiction for ALL associated costs with fixing or correcting jurisdictional errors. (See Attachment A)
- T. Prepare, hand-count, and deliver to the CEO, the required test deck of ballots for testing the electronic vote counting equipment at the Logic and Accuracy Test, see Attachment D for due date.
- U. For elections where owning property in the Jurisdiction is a qualifier for voting in the election, request access to and utilize the online Special District Designated Election Official (DEO) Voter Lookup tool provided by the Colorado Secretary of State to confirm voter registration and verify "property ownership" information. Contact the CEO office for assistance gaining access to this tool.
- V. Provide the CEO with an initial and supplemental certified list of "property owners" (if applicable) eligible to vote in the election, as determined by the Jurisdiction, who:
- a. Own property within the Jurisdiction, appear on the State of Colorado list of registered voters, reside at an address as shown, that is not within the boundaries of Douglas County ("Out of County" property owners); or,
 - b. Own property within the Jurisdiction, appear on the Douglas County list of registered voters, reside at an address that may not match the property address as shown on the County Assessor's list, but is within the boundaries of Douglas County ("In County" property owners).

- c. The lists shall be submitted as an electronic copy. The electronic copy shall be submitted to the CEO using Microsoft Excel format. The spreadsheet shall contain no more than one (1) eligible elector's name per line. Each line shall consist of the following separated fields: eligible elector's county identification number (ie: Douglas County Identifier is 18), last name, first name, middle name, mailing address, city, state, zip, parcel number, phone number, if available, and voter identification number.
 - d. The DEO may at their expense, mail to all property owners in the jurisdiction and residing in Colorado, a letter confirming voter eligibility and information, and the desire to receive a ballot in the election. The DEO may use this information to provide the most accurate property owner list to the CEO.
- W. Publish and post any required legal notices for the Jurisdiction's candidates, ballot issues and/or ballot questions, other than the notice required by § 1-5-205, C.R.S. A copy of such published legal notice shall be submitted to the County for its records.
- X. Provide support on the day of the election via telephone and in person, should the need arise, from 7:00 am until counting of the ballots is completed. Designated contact person for Jurisdiction must be provided upon execution of this Agreement. Emergency contact information must also be provided for this purpose.
- Y. Notify the CEO within twenty-four hours of the completion of the final ballot tabulation whether a recount is required or desired. The Jurisdiction shall reimburse the County for the full cost of the recount. If other Jurisdictions are included in the recount the cost of the recount will be pro-rated among the participating Jurisdictions as per § 1-10.5-101, C.R.S.
- Z. Within thirty (30) days from the date of receipt of such invoice, the Jurisdiction shall remit to the County the total payment. See Attachments A and B.
- AA. Pay any additional or unique election costs resulting from Jurisdiction delays, mistakes and/or special preparations or cancellations relating to the Jurisdiction's participation in the Coordinated Election.

SECTION III. CANCELLATION OF ELECTIONS

3.01 CANCELLATION OF ELECTION BY THE JURISDICTION.

- A. In the event that the Jurisdiction resolves not to hold the election, then notice of such resolution shall be provided to the CEO immediately. The Jurisdiction shall be liable

for the full actual costs of the activities of the CEO relating to the election incurred both before and after the CEO's receipt of such notice. The Jurisdiction shall provide and post notice by publication as defined in the Code. In the event that the Jurisdiction resolves not to hold the election after the last day for the DEO to certify the ballot order and content to the CEO (see Attachment C), the text provided by the Jurisdiction cannot be removed from the ballot and/or the Ballot Issue notice (TABOR Notice).

**SECTION IV.
MISCELLANEOUS**

4.01 NOTICES.

- A. 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; 3) or by email to the address of a Party as set forth below or to such Party or addresses as may hereafter be designated in writing:

To County:	Merlin Klotz Douglas County Clerk and Recorder Elections Department 125 Stephanie Place Castle Rock, Colorado 80104 Fax: 720-733-6977 Email: Elections@Douglas.co.us
------------	--

To Jurisdiction:

Fax:

4.02 TERM OF AGREEMENT.

- A. The term of this Agreement shall continue until all statutory requirements concerning the conduct of the coordinated election and the creation, printing, and distribution of the TABOR Notice, if needed, are fulfilled.

4.03 AMENDMENT.

- A. This Agreement may be amended only in writing, and following the same formality as the execution of the initial Agreement.

4.04 INTEGRATION.

- A. The Parties acknowledge that this Agreement constitutes the sole Agreement between them relating to the subject matter hereof and that no Party is relying upon any oral representation made by another Party or employee, agent or officer of that Party.

4.05 CONFLICT OF AGREEMENT WITH LAW, IMPAIRMENT.

- A. In the event that any provision in this Agreement conflicts with the Code or other statute, this Agreement shall be modified to conform to such law. No resolution of either party to this Agreement shall impair the rights of the CEO or the Jurisdiction hereunder without the consent of the other party to this Agreement.

4.06 TIME OF ESSENCE.

- A. Time is of the essence for this Agreement. The time requirements of the Code shall apply to completion of the tasks required by this Agreement. Failure to comply with the terms of this Agreement and/or the deadlines in Attachment C or the Code may result in consequences up to and including termination of this Agreement.

4.07 GOOD FAITH.

- A. The parties shall implement this Agreement in good faith, including acting in good faith in all matters that require joint or general action.

4.08 NO WAIVER OF GOVERNMENTAL IMMUNITY ACT.

- A. The Parties hereto understand and agree that they, their commissioners, officials, officers, directors, agents, and employees, are relying on, and do not waive or intend to waive by any provisions of this 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 Jurisdiction. To the extent the CGIA imposes varying obligations or contains different waivers for cities and counties, both the Jurisdiction and the County 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.

4.09 NO THIRD PARTY BENEFICIARIES.

- A. The enforcement of the terms and conditions of this Agreement and all rights of action relating to such enforcement shall be strictly reserved to the County and the Jurisdiction, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person under such Agreement.

4.10 ATTACHMENTS.

A. The following attachments are incorporated herein by this reference.

Attachment A Douglas County Costs and Fees

Attachment B Billing Charges Estimate

Attachment C Secretary of State Election Calendar (subject to updates)

Attachment D Douglas County Important Election Dates

Attachment E TABOR Notice

END OF PAGE

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective on the latest date noted below.

THE BOARD OF COUNTY
COMMISSIONERS
OF THE COUNTY OF DOUGLAS,
COLORADO
(Board signature required only if
coordination cost will exceed \$25,000)

CHIEF ELECTION OFFICIAL:

By _____
Board of County Commissioners
Chairperson

By _____
Clerk and Recorder

Date _____

Date _____

Attest _____
Deputy Clerk to the Board

APPROVED AS TO FISCAL CONTENT:

APPROVED AS TO LEGAL FORM:

Director of Finance

County Attorney

Jurisdiction Signatures for **Town of Parker**

By _____

By _____

Date _____

Date _____

Attest _____

APPROVED AS TO FISCAL CONTENT:

APPROVED AS TO LEGAL FORM:

Finance Department

Attorney

Intergovernmental Agreement (IGA) & Special District Election Deadline Checklist

- ☐ **100 days prior to election**
 - Notice of Election to Clerk and Recorder (Chief Election Official-CEO) of intent to coordinate C.R.S. § 1-7-116(1), (2) & (5)
 - Copy of resolution or ordinance authorizing the election be conducted with the exclusive use of Title 1 of the Colorado Election Code

- ☐ **90 days prior to election**
 - Receive and Review IGA & Address Library Report and District Boundary Map
 - Have appropriate board member(s) sign and date IGA and Address Library Report Form or District Boundary Map

- ☐ **70th day before the election**
 - Return completed Contact & Participant Information List.
 - Submit to CEO the Address Library Report or District Boundary Map notating any changes, deletions, omissions, or errors OR certify accuracy of Report or Map by signing and dating and returning to the CEO.
 - Submit to CEO the signed acknowledgement and certification of Annexations, Inclusions, and/or Exclusions Form to the Jurisdiction with all supporting documents, OR acknowledge and certify that they are no such annexations, inclusions, and/or exclusions.
 - For PROPOSED DISTRICTS:
 - Provide certified legal description, map, and street listing (including street ranges) prior to the **70th day before the election**.
 - Return ALL pages of IGA initialed by DEO, completed and signed:
 - ORIGINAL via USPS mail, copies via FAX (303-733-6977) or EMAIL (Elections@douglas.co.us)
 - Submit to CEO a copy of the Ordinance and/or Resolution to participate in Coordinated Election
 - Return pages of Attachment E TABOR NOTICE AGREEMENT (if applicable) initialed by DEO, completed and signed
 - ORIGINAL via USPS mail, copies via FAX (303-733-6977) or EMAIL (Elections@douglas.co.us)

- ☐ Review all statutory and regulatory requirements impacting the jurisdiction.

- ☐ Notify CEO if jurisdiction is shared by other counties (Refer to Secretary of State (SOS) Rule 6.2).

- ☐ **60th day before election**
 - Certify candidates, ballot issues or ballot questions to CEO by C.R.S 1-5-203(3), in electronic formats
 - Acceptable electronic formats include:
 - Plain text (or word) files: (.txt, .doc, .docx) with no formatting
 - NO bold, italic, underline, bullets, numbering, tables, strikethrough or indentations, etc.
 - Instructional text accepted include: Vote for no more than two, Vote for one, Vote Yes or No. Please Note: You may include term length (ex: Four-year term).
 - Provide phonetic pronunciation of candidate's names:

Intergovernmental Agreement (IGA) & Special District Election Deadline Checklist

- Call 303-663-6279 and leave a message with the candidate name, jurisdiction and title of office.

For special district elections where landowners are eligible electors:

- Request land owner list from Assessor's office (if applicable- see page 3 for more information) and verify valid and qualified voters.
- Request a supplemental list no later than 60 days prior to Election Day and provide the CEO with any additional valid and qualified voters not present in the initial list.
- The initial property owner list from the County Assessor. Lists of more than 10,000 entries must be manually compiled and charges may be associated
- Contact the Douglas County Assessor's Office at (303)-660-7450 for more information.

- ☐ Proofread ballot layout and text for jurisdiction's portion of the official ballot
 - Forward to the CEO a written and signed letter of acknowledgement (sample attached) via email within two (2) hours After hours availability may be needed to ensure timely response.

- ☐ Logic and Accuracy Test (LAT)-
 - Refer to Attachment D -Important Election Dates for date/time/location.
 - Pick up test deck of ballots (day before LAT).
 - Mark ballots according to instructions provided.
 - Bring marked test deck and hand count of ballots to LAT.

- ☐ **50th Day Before Election – For special district elections where landowners are eligible electors:**

- DEO shall request a supplemental list and provide the CEO with any additional valid and qualified voters not present in the initial list.
- . Contact the Douglas County Assessor's Office at (303)-660-7450 for more information.

- ☐ **45th Day Before Election**

- Last day for DEO to receive Pro/Con Statements for TABOR issues; **Note: Refer to Attachment E of proper formatting for TABOR Notice Certification**

- ☐ **42nd Day Before Election**

- Last day for DEO to deliver full text of any required ballot issues or ballot questions and all summarized pro/con statements to the county clerk.
- Receive and proof TABOR layout and text for jurisdiction's portion of the TABOR Notice, and submit TABOR Notice Acceptance Form within two (2) hours of receipt. After hours availability may be needed to ensure timely response.

- ☐ **40th Day Before Election - For special district elections where landowners are eligible electors:**

- Submit the valid and qualified property land owner list to the CEO (see page 3 for information on eligible electors) if applicable.
 - Excel format only
 - One eligible elector's name per line. Each line shall consist of the following separated fields: eligible elector's county identification number (ie: Douglas County Identifier is 18), last name, first name, middle name,

Intergovernmental Agreement (IGA) & Special District Election Deadline Checklist

mailing address, city, state, zip, parcel number, phone number, if available.

- Only REGISTERED voters in State of Colorado, residing outside of jurisdiction
- Refer to Section 2.02(X) of IGA

○

☐ **30th Day Before Election**

- Deadline for Assessor to provide supplemental land owner list, if requested by the jurisdiction.
- Forward to CEO any eligible electors not previously submitted

☐ **Election Day**

- Provide telephone support for jurisdiction 7:00 a.m. - 7:00 p.m.
- Must be available throughout the day if needed by CEO

☐ **Post-Election Day Activities**

- Notify CEO within 24 hours of completion of final ballot tabulation if a recount is required
- Attend Board of Canvass
- Refer to Attachment D - **Important Dates** for date/time/location
- Remit payment within 30 days of receipt of billing invoice

Who is eligible to vote in a special district election?

An eligible elector is a person who, at the designated time or event, is registered to vote in Colorado, and who is:

- A resident of the special district or the area to be included in the special district for not less than thirty days; or
- Who, or whose spouse, owns taxable real or personal property situated within the boundaries of the special district or the area to be included in the special district, whether said person resides within the district or not.
- A person who is obligated to pay taxes under a contract to purchase taxable property situated within the boundaries of the special district or the area to be included within the special district shall be considered an owner.
- For all elections and petitions that require ownership of real property or land, a mobile home or a manufactured home shall be deemed sufficient to qualify as ownership of real property or land for the purposes of voting rights and petitions.

Note: a partnership, corporation or trust is not a “person” and therefore a person owning property through such a legal entity is not eligible to vote.

C.R.S. § 32-1-103(5)

Douglas County Costs and Fees for Election Coordination

COST PRO-RATION EXAMPLE

Douglas County cost pro-ration for each participating Jurisdiction in the upcoming election will be based, in part, on the Jurisdiction's percentage of registered voters within the county, calculated in the following manner:

PARTICIPATING JURISDICTIONS	NUMBER OF REGISTERED VOTERS
State Issues	A
County Issues	B
School District	C
Jurisdiction 1	D
Jurisdiction 2	E
Jurisdiction 3	F
TOTAL	Z

Therefore, the percentage of total registration would be calculated as follows:

State Issues	=	CRS 1-5-505.5 (3) (b) (\$0.80 per voter)
County Issues	=	B/Z (% of Total Registration)
School District	=	C/Z (% of Total Registration)
Jurisdiction 1	=	D/Z (% of Total Registration)
Jurisdiction 2	=	E/Z (% of Total Registration)
Jurisdiction 3	=	F/Z (% of Total Registration)

Per active and inactive voter in Jurisdiction	\$0.80 (minimum charge of \$500)	
Additional Ballot Question/TABOR Language Text Per inch greater than 4 column inches in length of all issues combined	Coordinated odd year	\$1,000
	Gubernatorial even year	\$2,000
	Presidential even year	\$3,000
TABOR Notice (Jurisdiction's Voter registration %/ # of TABOR participants)	Minimum charge of \$250	
Public Notice (Cost/# of coordinating entities)	Varies	
Cancellation of Jurisdiction Election (All cost incurred before and after cancellation - IGA 3.01)	Full Actual Costs	
Failure to Comply with Terms of IGA	Full Actual Costs	
Delays/rework of ballot (Due to jurisdiction error - IGA 2.02U)	All associated Costs	
Staff appointment on behalf of jurisdiction/hr.	\$100	

The actual cost of the election will not be determined until after the election. The billing percentages will be determined approximately 20 days prior to the election. Payment by participating Jurisdictions will be directed to the County Clerk and Recorder, in whole within 30 days of receipt of billing. The County Clerk will coordinate payments to vendors.

Attachment B

*Note: State charge is capped at \$0.80/voter												
State of Colorado - Active only	244,718	n/a			\$195,774.40	N/A	\$0.00	N/A				\$195,774.40
* Per CRS \$0.80 per active registered Voter		\$195,774										
Total Reimbursement from Coordination and State of Colorado												\$517,811.65
County Subsidized portion of Election Cost												\$432,188.35

Total Estimated Cost of Election	\$950,000.00	100%	\$0.00
Total Active and Inactive Voters	244,718		
Public Notice Billing	\$75.00		
TABOR Billing	\$39,000.00		
TABOR Postage	<u>\$12,000.00</u>		
Total TABOR Charges	\$51,000.00		

2018 Election Calendar

Primary Election: June 26, 2018
General Election: November 6, 2018

January, 2018		
2-January (Tuesday)	Last day to affiliate with a major or minor party in order to run as a party candidate in the primary (either through nomination or petition) (No later than first business day in January)	1-4-601(4)(a) 1-4-801(3) 1-4-1304(2)(b) 1-4-802(1)(g)(II)
	Last day to register as unaffiliated, in order to be placed in nomination (by petition) as an unaffiliated candidate. (No later than first business day in January)	1-4-802(1)(g)(II)
8-January (Monday)	Last day to affiliate with the Republican Party or Democratic Party in order to vote in the March 6th Party precinct caucuses . (2 months before the precinct caucuses)	1-3-101(1)
12-January (Friday)	Last day to submit a petition to qualify as a minor political party. (Must be signed by at least 10,000 registered electors and submitted to the Secretary of State) (No later than second Friday in January)	1-4-1302(1)
16-January (Tuesday)	First day to circulate major party candidate petitions. (Not before third Tuesday in January)	1-4-801(5)
February, 2018		
2-February (Friday)	Last day for the Secretary of State to issue a notice of sufficiency/insufficiency of a petition to qualify as a minor political party. (21 days after receipt of the petition)	1-4-1302(4)(b)
5-February (Monday)	Last day to update your voter registration address to participate in the March 6th party precinct caucuses . (Must be a resident of the precinct for 30 days <u>and</u> registered to vote no later than 29 days before the precinct caucus)	1-3-101(1)
	Last day to change precinct boundaries or create new precincts before the March 6th party precinct caucuses . (No later than 29 days before caucus)	1-5-103(1)
	First day to circulate minor party candidate petitions. (First Monday in February)	1-4-802(1)(d)(II)
	Last day for state central committees to file or amend party bylaws or rules with the Secretary of State. (No bylaw or rule may be filed or amended after the first Monday in February)	1-3-103(9)(a)
6-February (Tuesday)	Last day for county clerks to furnish the Republican and Democratic Parties with a list of registered electors in the county who are affiliated with the Party. (No later than 28 days before the March 6th party precinct caucuses)	1-3-101(3)(a)
22-February (Thursday)	Last day to post signs for the March 6th party precinct caucuses. (No later than 12 days before the precinct caucuses)	1-4-602(4)
March, 2018		
6-March (Tuesday)	Republican Party and Democratic Party Precinct Caucus Day (In each even-numbered year, political parties hold their precinct caucus on the first Tuesday in March)	1-3-102(1)(a)(I)
16-March (Friday)	Last day for the Secretary of State to prepare an election notice to be used in conjunction with a federal write-in absentee ballot. (At least 100 days before a regularly scheduled election)	1-8.3-116 1-1-106(5)
20-March (Tuesday)	Last day to file major party candidate petitions. (No later than third Tuesday in March)	1-4-801(5)
28-March (Wednesday)	Last day for county clerk to designate drop-off locations and Voter Service and Polling Centers for the June 26th Primary Election . Before designation, clerks must also complete an accessibility survey for all locations. (No later than 90 days before the Primary Election)	Rule 7
	Last day for county clerk to submit a mail ballot plan to the Secretary of State for the June 26th Primary Election. (No later than 90 days before the Primary Election)	1-7.5-105(1) Rule 7.1.1

Use this as a reference guide only. Always refer to the Colorado Constitution, Revised Statutes, and Secretary of State Rules for applicable provisions.

2018 Election Calendar

Primary Election: June 26, 2018
General Election: November 6, 2018

28-March (Wednesday)	Last day for the county clerk to submit a watcher accommodation plan to the Secretary of State. (No later than 90 days before an election)	Rule 8.7
31-March (Saturday)	Last day to hold Republican Party and Democratic Party county assemblies . (No later than 25 days after precinct caucuses)	1-4-602(1)(a)(I)
	County candidates' designations and acceptances must be filed no later than 4 days after the adjournment of the county assembly. If faxed, the original must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-601(3)(a) 1-4-604(3)
April, 2018		
2-April (Monday)	Last day to file minor party candidate petitions. (No later than 85 days before primary election)	1-4-802(1)(f)(II)
6-April (Friday)	Last day to submit draft ballot issues to the Title Board, if the issue is to appear on the 2018 General Election ballot. (No later than 3 p.m., 12 days before the last Title Board Hearing held on April 18th)	1-40-106(1)
12-April (Thursday)	Last day for any minor party to notify Secretary of State that it is prohibiting unaffiliated electors from voting in its primary. (Not less than 75 days prior to the primary)	1-4-1304(1.5)(c) Prop 108
14-April (Saturday)	Last day to hold major/minor party assemblies. (No later than 73 days before the Primary Election)	1-4-601(1) 1-4-1304(b)(I)
*	For major parties, designation and acceptance forms must be filed no later than 4 days after adjournment of the party assembly. If faxed, the originals must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-601(3)(a) 1-4-604(6)(a)
*	For minor parties, designation forms must be filed no later than 4 days after the assembly. Acceptance forms must be postmarked or received by the DEO no later than 4 business days after the filing of the certificate of designation. If faxed, the originals must also be filed and postmarked no later than 10 days after the adjournment of the assembly.	1-4-1304(3), (4)
*	Objections to nominations, designations, or petitions must be filed with the district court within 5 days after the election official's sufficiency statement was issued or after the certificate of designation was filed with the designated election official.	1-4-909(1)
18-April (Wednesday)	Last day to hold a Title Board hearing for ballot issues that will appear on the 2018 General Election ballot. (No later than 3rd Wednesday in April)	1-40-106(1)
20-April (Friday)	Last day a write-in candidate may file an Affidavit of Intent for the Primary Election. (By the close of business on the 67th day before the Primary Election)	1-4-1102(1)
23-April (Monday)	Last day for party assembly vacancy committee to fill a vacancy in party designation which occurs after 68 days (April 19) or more before the primary election. (No later than 68 days before the Primary Election)	1-4-1002
24-April (Tuesday)	Last day for a major party county chairperson to certify names and addresses of recommended election judges to the county clerk. (No later than the last Tuesday of April)	1-6-103(1)(a)
*	Designated election official must confirm appointments by mailing a certification of appointment and acceptance form to election judges. Each person appointed as an election judge must file an acceptance form with the designated election official within 7 days after the certification and acceptance form are mailed.	1-6-104(1) 1-6-106(1) 1-6-106(3)
27-April (Friday)	Last day for designated election officials to submit security and contingency plans to the Secretary of State. (No later than 60 days before the first election in which the procedures will be used. Secretary of State will notify DEO of approval/disapproval of plan no later than 15 days after receiving the submission)	1-5-616(5)(b) Rule 20.1
	Last day for the Secretary of State to deliver the Primary Election ballot order and content to county clerks. (No later than 60 days before the Primary Election)	1-5-203(1)(a)

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27-April (Friday)	The designated election official may cancel the Primary Election if there are no contested races. (By the close of business on the 60th day before the Primary Election)	1-4-104.5(1)
	Last day for the county clerk to send correspondence to each UOCAVA elector whose record is marked "Inactive." This correspondence must include information regarding the upcoming election. (No later than 60 days before the Primary Election)	Rule 16.1.6
	Last day for county who previously failed to meet 45-day ballot transmission deadline to submit plan to Secretary of State for complying with deadline in next election. (No later than 60 days before Election)	Rule 16.1.8
	Last day for counties to begin video surveillance recordings of areas specified in Rule 20.7.3. (Beginning at least 60 days before the election and continuing through at least 30 days after the election)	Rule 20.7.2
	Last day an unaffiliated voter may give notice in writing to the county clerk that he or she wishes to serve as an election judge. (No later than 60 days before primary election)	1-6-103.7
	Last day a county chairperson of a minor political party may certify to the county clerk and recorder an initial list of registered electors recommended to serve as election judges. (No later than 60 days before primary election)	1-6-103.5
	First day that a county clerk or designated election official may hold election judge training for the Primary Election. (Not more than 60 days before the Primary Election)	1-6-101(5)
May, 2018		
7-May (Monday)	First day for judicial candidates to file a declaration of intent to run for another term. (Not more than 6 months, but not less than 3 months before the General Election)	Art. VI, Sect. 25 1-1-106(4)
12-May (Saturday)	Deadline for county clerk to transmit a primary election ballot to military and overseas voters. (No later than 45 days before the Primary Election)	1-8.3-110
	The county clerk must report to the Secretary of State the number of ballots transmitted to military and overseas electors by the 45-day deadline. (No later than 45 days before the election)	Rule 16.1.7
	First day a county clerk may begin issuing a mail ballot to any eligible elector who requests one in person at the county clerk's office. (No sooner than 45 days before election)	1-7.5-107(2.7)
17-May (Thursday)	First day an unaffiliated candidate may circulate or obtain signatures on a petition for nomination for the General Election. (No earlier than 173 days before the General Election)	1-4-802(1)(d)(I)
22-May (Tuesday)	Last day for the county clerk to provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party. (No later than 35 days before an election)	Rule 6.1.4
25-May (Friday)	Ballots for Primary Election must be printed and in possession of the county clerk. (No later than 32 days before the Primary Election)	1-5-402(1)
	County clerk must begin issuing mail ballots to any eligible elector who requests one in person at the county clerk's office. (No later than 32 days before election)	1-7.5-107(2.7)
	Last day for Secretary of State to publish on the Audit Center the risk limits that apply in RLAs for the Primary Election. (No later than 32 days before election)	Rule 25.2.2(a)
29-May (Tuesday)	Last day for voters who are affiliated with a political party to change or withdraw their affiliation if they wish to vote in a different party's primary election. (Up to and including the 29th day before the Primary Election)	1-2-219(1) 1-1-106(5)
	Last day before Primary that County clerk must record in SCORE the ballot preference of an unaffiliated elector. Unaffiliated electors who select a preference by this date must be sent their preferred ballot when ballots are mailed. (Up to and including the 29th day before Primary Election)	Rule 2.17
June, 2018		

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4-June (Monday)	First day that mail ballots may be mailed to voters, except for UOCAVA voters. (Not sooner than 22 days before the Primary Election, now applies to unaffiliated voters)	1-7.5-107(3)(a)(I) Rule 7.2.3
	Last day to submit an application to register to vote through a voter registration drive. (No later than 22 days before the election)	1-2-201(b)(I)
5-June (Tuesday)	Last day for counties to submit zero result files (data entry counties) or a document listing all ballot content (manual entry counties) to the Secretary of State for Election Night Reporting (ENR) (No later than 21 days before the election)	Rule 11.10.2
6-June (Wednesday)	Last day to post polling location signs for the Primary Election. (At least 20 days before the election)	1-5-106(1)
	Last day for the county clerk to publish notice of Primary Election. (No later than 20 days before the Primary Election)	1-5-205(1)(a)-(d)
8-June (Friday)	Last day to send out initial mail ballots for the Primary Election. (No later than 18 days before the Primary Election)	1-7.5-107(3)(a)(I) Rule 7.2.4
	Last day for the county clerk to conduct the public Logic and Accuracy Test. (No later than the 18th day before election day)	Rule 11.3.2(a)
11-June (Monday)	Last day for major political parties to appoint members to the county canvass board for the Primary Election. (At least 15 days before the Primary Election)	1-10-101(1)(a)
	First day to begin counting mail ballots received for the Primary Election. No results may be disclosed until after 7:00 p.m. on election day. (No earlier than 15 days before the election)	1-7.5-107.5
	Last day for designated election official to appoint audit board to conduct RLA. (No later than 15 days before election day)	Rule 25.2.2(b)
12-June (Tuesday)	Last day for a data entry county to upload the LAT results file to ENR. (No later than 14 days before an election)	Rule 11.10.3
15-June (Friday)	Deadline for county clerk to post a copy of the published notice of Primary Election in a conspicuous place in the offices of the designated election official or the county clerk. (At least 10 days before the election and until 2 days after the election)	1-5-205(1.3) 1-1-106(5)
	Last day for the county clerk to file the voting system inventory with the Secretary of State. (No later than 10 days before an election)	1-1-106(5) Rule 11.2.3
18-June (Monday)	Last day for an individual to submit a voter registration application and still receive a ballot in the mail. (Through the 8th day before an election)	1-2-201(3)(b)(III)
	If the county clerk receives a voter registration application within the 8 days before the election, the clerk must process the application and inform the applicant that he or she will not receive a mail ballot. To receive a ballot, the applicant must visit a Voter Service and Polling Center.	1-2-201(4) 1-2-217.7(3.5) 1-2-508(3)
18-June to 26-June	The minimum number of required voter service and polling centers must be open for the Primary Election. (Beginning at least 8 days before and on election day, except Sundays)	1-7.5-107(4.5)(c) Rule 7.9
19-June (Tuesday)	Last day for the county clerk to submit election setup records to the Secretary of State by regular mail to Colorado Secretary of State, Attn: Voting Systems, 1700 Broadway, Ste. 200, Denver, CO 80290. (No later than 5:00 PM on the 7th day before election day)	1-7-510(2) Rule 11.4
22-June to 26-June	The minimum number of required drop-off locations must be open. (Beginning at least 4 days before and on election day, except Sundays)	1-7.5-107(4.3)(b) Rule 7.5
26-June (Tuesday)	Primary Election (Polls open 7:00 a.m. to 7:00 p.m.)	1-4-101(1) 1-7-101(1) Rule 7.9.1(b)

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26-June (Tuesday)	All ballots must be received by the county clerk by 7:00 p.m. Ballots cast by military and overseas voters must be sent no later than 7:00 p.m. MT and received by the close of business on the 8th day after the election.	1-7.5-107(4)(b)(II) 1-8.3-111 1-8.3-113 Rule 16
28-June (Thursday)	Deadline for the county clerk to send missing signature, signature verification, and missing ID letters. (Within 3 days after receipt of ballot missing ID/confirmation of signature deficiency, but no later than 2 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rules 7.6.1 , 7.7.1
29-June (Friday)	Deadline for the Secretary of State to give public notice of the meeting to establish the random seed for the RLA Tool. (At least seven calendar days before the meeting to be held on the tenth day after the election)	Rule 25.2.2(h)
	Deadline for the Secretary of State to select target contest(s) to be audited in the risk-limiting audit. (No later than 5:00 p.m. MT on the Friday after election day)	Rule 25.2.2(i)
	The Secretary of State must notify county clerks and the minor political party if any minor political party ceases to qualify as such a party. (No later than July 1)	1-4-1305(2) 1-1-106(5)
July, 2018		
1-July to 15-July	Date range to send notification of the time and place of party lot drawing. The drawing determines ballot positions of candidates to appear on the 2018 General Election ballot. (Between July 1 and July 15 of each election year)	1-5-404(2)
5-July (Thursday)	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted. (By the 8th day after election day)	1-8.3-111 1-8.3-113 1-1-106(4)
	Last day for an elector to cure a signature discrepancy or missing signature, or to provide missing ID for mail or provisional ballot to be counted. (By 11:59 p.m. MT 8 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7.6.1 Rule 7.7.5 1-1-106(4)
	Last day for the county clerk to complete verification and counting of provisional ballots. (Within 9 days after the Primary Election)	1-8.5-105(5)
	County must finish tabulating all in-person and accepted mail ballots cast by voters registered in the county. Immediately after completing this tabulation, the county must also generate a summary results report, a results file export suitable for uploading to the Secretary of State's ENR system, and a CVR export. (Complete by 9th day after election day)	Rule 25.2.2 (d)
	Deadline for county conducting a comparison audit to upload: -verified and hashed ballot manifest, and the manifest's hash value to the Secretary of State's office -verified and hashed CVR export, and the CVR export's hash value to the Secretary of State's office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after election day)	Rule 25.2.2(f)
	Deadline for county conducting a ballot polling audit to upload: -verified and hashed ballot manifest and the ballot manifest hashed value by email to the Secretary of State's Office -cumulative tabulation report, by email to the Secretary of State's Office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after election day)	Rule 25.2.2 (g)
	Deadline for Secretary of State to establish a random seed for use with the RLA Tool. (On the 10th day after election day)	Rule 25.2.2(h)

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6-July (Friday)	Deadline to notify the counties of the ballots selected to be audited. (No later than 11:59 p.m. MT on the 10th day after election day)	Rule 25.2.2(k)
12-July (Thursday)	Last day to file an unaffiliated candidate nomination petition. (No later than 3:00 p.m. on the 117th day before the General Election)	1-4-802(1)(f)(l)
17-July (Tuesday)	Deadline for County audit board to sign, date, and submit to the Secretary of State a report of the results of the risk limiting audit. (No later than 5:00 p.m. MT on business day before the canvass deadline)	Rule 25.2.3(d)
18-July (Wednesday)	Last day to complete the canvass and submit official abstract of votes cast for the Primary Election to the Secretary of State. (No later than the 22nd day after the election)	1-10-102(1) 1-10-103(1)
19-July (Thursday)	Deadline to upload the final canvass results to the ENR system. (By COB on the first business day after the statutory deadline for completing the canvass)	Rule 11.10.5
	Last day for a write-in candidate to file an Affidavit of Intent for the General Election. (By the close of business on the 110th day before the General Election)	1-4-1102(1)
	Last day for political subdivision that referred a ballot issue or question that failed, to waive an automatic recount of that issue or question by giving written notice to clerk and recorder. (Within 23 days after election)	1-10.5-103
23-July (Monday)	Last day for the Secretary of State to compile the returns and order appropriate recounts of the Primary Election. (No later than the 27th day after the Primary Election)	1-10-103(2)
24-July (Tuesday)	Last day for interested parties to request a recount of the Primary Election at their own expense. (Within 28 days after the Primary Election)	1-10.5-106(2)
26-July (Thursday)	Last day for candidate-nominee for lieutenant governor of major political party to file written acceptance with the Secretary of State. (Acceptance must be postmarked or received within 30 days after the Primary Election)	1-4-502
27-July (Friday)	Last day for county that conducted a comparison risk-limiting audit to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> no recount was required or requested. (no later than the third business day following the deadline to request a recount)	Rule 25.2.4
30-July (Monday)	Last day for a political subdivision to notify the county clerk in writing that it has taken formal action to participate in the General Election. (100 days before the General Election)	1-7-116(5) 1-1-106(4)
31-July (Tuesday)	Last day to complete a statutory recount of any race in the Primary Election. (No later than the 35th day after the Primary Election)	1-10.5-102(2) 1-10.5-103
August, 2018		
2-August (Thursday)	Last day to complete a recount requested by an interested party. (No later than the 37th day after the Primary Election)	1-10.5-106(2)
	Last day for the designated election official to provide a notice of sufficiency/insufficiency regarding unaffiliated candidate nomination petitions. (No later than 96 days before the General Election)	1-4-908(3)
6-August (Monday)	Last day to file an initiative petition with the Secretary of State for the 2018 General Election, no later than 3:00 p.m. (At least 3 months before the election)	Art V, Sect. 1(2)
	Last day for judicial candidates to file a Declaration of Intent to run for another term. (Not less than 3 months before the General Election)	Art. VI, Sect. 25
7-August (Tuesday)	Last day for county that conducted a comparison risk-limiting audit to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> recount was required or requested. (no later than the third business day following the deadline to complete recount)	Rule 25.2.4
8-August (Wednesday)	Last day for the county clerk to submit a mail ballot plan to the Secretary of State. (No later than 90 days before every election)	1-7.5-105(1) Rule 7.1.1

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8-August (Wednesday)	Last day for county clerk to designate drop-off locations and Voter Service and Polling Centers. Clerks must also complete an accessibility survey for all locations annually before designation. (No later than 90 days before the election)	Rule 7.10
	Last day for the county clerk to submit a watcher accommodation plan to the Secretary of State. (No later than 90 days before an election)	Rule 8.7
	Last day for county clerk who failed to follow the procedures for a risk limiting audit during the Primary Election to submit a written remediation plan to the Secretary of State. (No later than 90 days before an election)	Rule 25.2.5
13-August (Monday)	Last day to amend an unaffiliated candidate nomination petition. (No later than 3:00 p.m. on the 85th day before the General Election)	1-4-912
23-August (Thursday)	Last day for a political party nominating candidates by party assembly/convention to make nominations public. (No later than 75th day before the General Election)	1-4-702 Prop 108
	Last day for the designated election official to notify an unaffiliated candidate of whether the amended nominating petition is sufficient/insufficient. (No later than the 75th day before the General Election)	1-4-912
28-August (Tuesday)	Last day for intergovernmental agreements to be signed by county clerks and political subdivisions. (No later than 70 days before the General Election)	1-7-116(2)
September, 2018		
5-September (Wednesday)	Last day for the Secretary of State to examine submitted initiative petitions and issue a statement of sufficiency or insufficiency. (No more than 30 calendar days after the petition is filed)	1-40-116(2)
7-September (Friday)	Last day for the designated election official of each political subdivision to certify the ballot order and content. Each DEO must also deliver the certification to the county clerk for the coordinated election. (No later than 60 days before the General Election)	1-5-203(3)(a)
	Last day for designated election officials to submit security and contingency plans to the Secretary of State. (No later than 60 days before the first election in which the procedures will be used. The Secretary of State will notify DEO of approval/disapproval of plan no later than 15 days after receiving the submission)	1-5-616(5)(b) Rule 20.1
	Last day for counties to begin video surveillance recordings of areas specified in Rule 20.7.3. (Beginning at least 60 days before the election and continuing through at least 30 days after the election)	Rule 20.7.2
	First day the county clerk or designated election official may hold election judge training. (Not more than 60 days before the election)	1-6-101(5)
	Last day an unaffiliated voter may give notice in writing to the county clerk that he or she wishes to serve as an election judge. (No later than 60 days before general election)	1-6-103.7
	Last day a county chairperson of a minor political party may certify to the county clerk and recorder an initial list of registered electors recommended to serve as election judges. (No later than 60 days before general election)	1-6-103.5
	Last day for designated representatives of initiative petition to withdraw the petition from consideration by filing withdrawal letter with Secretary of State. (No later than 60 days before petition is to be voted upon)	1-40-134
10-September (Monday)	Last day for the Secretary of State to deliver the certification of ballot order and content to each county. (No later than 57 days before the General Election)	1-5-203(1)
21-September (Friday)	Last day to file written comments concerning local ballot issues with the designated election official in order to be included in the ballot issue notice. (By noon the Friday before the 45th day before the election)	Art. X, Sect. 20(3)(b)(v) 1-7-901(4)

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21-September (Friday)	Last day for a petition's representatives to submit a summary of favorable comments for the ballot issue notice. Comments must be submitted to the designated election official. (No later than 44 days before the election)	1-7-903(3) 1-1-106(5)
22-September (Saturday)	Last day to transmit ballots and ballot materials to overseas military voters. (No later than 45 days before the election)	1-8.3-110(1) Rule 16
	Deadline for clerk to report to the Secretary of State the number of ballots transmitted to military and overseas electors by the 45-day deadline.	Rule 16.1.7
	First day a county clerk may begin issuing a mail ballot to any eligible elector who requests one in person at the the county clerk's office. (No sooner than 45 days before election)	1-7.5-107(2.7)
24-September (Monday)	Last day for the designated election official to deliver the full text of any required ballot issue notices to the county clerk. (No later than 43 days before the election)	1-7-904
October, 2018		
2-October (Tuesday)	Last day for the county clerk to provide a list of election judges, including political party affiliations and assignments, if known, to each appointing party. (No later than 35 days before an election)	Rule 6.1.4
5-October (Friday)	Last day for official ballots to be printed and in the possession of the county clerk. (No later than 32 days before the General Election)	1-5-402(1)
	County clerk must begin issuing mail ballots to any eligible elector who requests one in person at the county clerk's office. (No later than 32 days before election)	1-7.5-107(2.7)
	Last day to mail notice of a ballot issue election. (At least 30 days before a ballot issue election)	Art. X, Sect. 20 1-1-106(5)
	Last day for Secretary of State to publish on the Audit Center the risk limits that apply in RLAs for the General Election. (Not later than 32 days before election)	Rule 25.2.2(a)
15-October (Monday)	First day that mail ballots may be mailed to voters, except for UOCAVA voters. (Not sooner than 22 days before the General Election)	1-7.5-107(3)(a)(I) Rule 7.2.3
	Last day to submit an application to register to vote through a voter registration drive. (No later than 22 days before the election)	1-2-201(3)(b)(I)
	Last day for county clerks to run SCORE reports that include voter or election details during regular business hours and from 7 a.m. to 7 p.m. on Election Day. (Starting 22 days before election)	Rule 2.14.4
16-October (Tuesday)	Last day for counties to submit zero result files (data entry counties) or a document listing all ballot content (manual entry counties) to the Secretary of State for Election Night Reporting system. (No later than 21 days before the election)	Rule 11.10.2
17-October (Wednesday)	Last day to post polling location signs for the General Election. (At least 20 days before the election)	1-5-106(1)
	Last day for the county clerk to publish notice of General Election. (No later than 20 days before the General Election)	1-5-205(1)(a)-(d)
19-October (Friday)	Last day to send initial mail ballots to voters for the General Election, except for UOCAVA voters. (No later than 18 days before the General Election)	1-7.5-107(3)(a)(I) Rule 7.2.3
	Last day for the county clerk to conduct the public Logic and Accuracy Test. (No later than the 18th day before election day)	Rule 11.3.2(a)
22-October to 6-November	The minimum number of required voter service and polling centers must be open for the General Election. (Beginning at least 15 days before and on election day, except Sundays)	1-5-102.9(2) Rule 7.9
22-October (Monday)	Last day for major political parties to appoint members to the Canvass Board for the General Election. (At least 15 days before the General Election)	1-10-101(1)(a) Rule 10
	First day to begin counting General Election ballots. No results may be disclosed until after 7:00 p.m. on election day. (No sooner than 15 days before the election)	1-7.5-107.5

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22-October (Monday)	Last day for designated election official to appoint audit board to conduct RLA. (No later than 15 days before the election)	Rule 25.2.2(b)
23-October (Tuesday)	Last day for a data entry county to upload the LAT results file to ENR. (No later than 14 days before an election)	Rule 11.10.3
29-October (Monday)	Last day for the county clerk to file the voting system inventory with the Secretary of State. (No later than 10 days before an election)	Rule 11.2.3
	Last day for an individual to submit a voter registration application and still receive a ballot in the mail. (Through the 8th day before an election)	1-2-201(3)(b)(III)
	If the county clerk receives a voter registration application within the 8 days before the election, the clerk must process the application and inform the applicant that he or she will not receive a mail ballot. To receive a ballot, the applicant must visit a Voter Service and Polling Center.	1-2-201(4) 1-2-217.7(3.5) 1-2-508(3)
30-October (Tuesday)	Last day for the county clerk to submit election setup records to the Secretary of State by regular mail to Colorado Secretary of State, Attn: Voting Systems, 1700 Broadway, Ste. 200, Denver, CO 80290. (No later than 5:00 PM on the 7th day before election day)	1-7-510(2) Rule 11.4
November, 2018		
3-November to 6-November	First day counties with more than 25,000 active electors are required to provide stand alone drop-off locations.	1-5-102.9(4)(b)(I)(B)
6-November (Tuesday)	General Election (Polls open 7:00 a.m. to 7:00 p.m.)	1-1-104(17) 1-4-201 Rule 7.9.1(b)
	All ballots must be received by the county clerk by 7:00 p.m. Ballots cast by military and overseas voters must be sent no later than 7:00 p.m. MT and received by the close of business on the 8th day after the election.	1-7.5-107(4)(b)(II) 1-8.3-111 1-8.3-113 Rule 16
8-November (Thursday)	Deadline for the county clerk to send missing signature, signature verification, missing ID, and wrong envelope letters. (Within 3 days after receipt of ballot missing ID/confirmation of signature deficiency, but no later than 2 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7
9-November (Friday)	Deadline for the Secretary of State to give public notice of the meeting to establish the random seed for the RLA Tool. (At least seven calendar days before the meeting to be held on the tenth day after the election)	Rule 25.2.2(h)
	Deadline for the Secretary of State to select target contest(s) to be audited in the risk-limiting audit. (No later than 5:00 p.m. MT on the Friday after election day)	Rule 25.2.2(i)
14-November (Wednesday)	Last day for ballots cast by military and overseas electors to be received by the county clerk in order to be counted. (No later than the 8th day after election day)	1-8.3-111 1-8.3-113 Rule 16.1.5
	Last day for an elector to cure a signature discrepancy or missing signature, or to provide missing ID for mail or provisional ballot to be counted. (By 11:59 p.m. MT 8 days after election day)	1-7.5-107(3.5)(d) 1-7.5-107.3(2)(a) 1-8.5-105(3)(a) Rule 7.6.1 Rule 7.7.5
15-November (Thursday)	Last day for verification and counting of provisional ballots. (Within 9 days after the General Election)	1-8.5-105(5)
	County must finish tabulating all in-person and accepted mail ballots cast by voters registered in the county. Immediately after completing this tabulation, the county must also generate a summary results report, a results file export suitable for uploading to the Secretary of State's ENR system, and a CVR export. (Complete by 9th day after election day)	Rule 25.2.2(d)

Use this as a reference guide only. Always refer to the Colorado Constitution, Revised Statutes, and Secretary of State Rules for applicable provisions.

2018 Election Calendar

Primary Election: June 26, 2018
General Election: November 6, 2018

15-November (Thursday)	Deadline for county conducting a comparison audit to upload: -verified and hashed ballot manifest, and the manifest's hash value to the Secretary of State's office -verified and hashed CVR export, and the CVR export's hash value to the Secretary of State's office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after election day)	Rule 25.2.2(f)
	Deadline for county conducting a ballot polling audit to upload: -verified and hashed ballot manifest and the ballot manifest hashed value by email to the Secretary of State's Office -cumulative tabulation report, by email to the Secretary of State's Office -RLA tabulation results export to the Secretary of State's election night reporting system. (No later than 5:00 PM MT on the 9th day after election day)	Rule 25.2.2 (g)
16-November (Friday)	Deadline for Secretary of State to establish a random seed for use with the RLA Tool. (On the 10th day after election day)	Rule 25.2.2(h)
	Deadline for Secretary of State to notify the counties of the ballots selected to be audited. (No later than 11:59 p.m. MT on the 10th day after election day)	Rule 25.2.2(k)
27-November (Tuesday)	Deadline for County audit board to sign, date, and submit to the Secretary of State a report of the results of the risk limiting audit. (No later than 5:00 p.m. MT on business day before the canvass deadline)	Rule 25.2.3(d)
28-November (Wednesday)	Last day to complete the canvass and submit official abstract of votes cast for the General Election to the Secretary of State. (No later than the 22nd day after the election)	1-10-102(1) 1-10-103(1)
29-November (Thursday)	Last day for political subdivision that referred a ballot issue or question that failed, to waive an automatic recount of that issue or question by giving written notice to clerk and recorder. (Within 23 days after election)	1-10.5-103
	Deadline to upload the final canvass results to the ENR system. (By COB on the first business day after the statutory deadline for completing the canvass)	Rule 11.10.5
December, 2018		
3-December (Monday)	Last day for the Secretary of State to compile and total returns from all counties and order appropriate recounts, if any. (No later than the 27th day after the General Election)	1-10-103(2)
4-December (Tuesday)	Last day for an interested party to request a recount of the results of the General Election at their own expense. (Within 28 days after the General Election)	1-10.5-106(2)
6-December (Thursday)	Last day for a county subject to Rule 7.9.9 (recording and reporting wait time at VSPCs) to report results to Secretary of State. (No later than 30th day after election)	Rule 7.9.10
7-December (Friday)	Last day for county that conducted a comparison risk-limiting audit to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> no recount was required or requested. (no later than the third business day following the deadline to request a recount)	Rule 25.2.4
11-December (Tuesday)	Last day to complete a statutory recount of any race in the General Election. (No later than the 35th day after the General Election)	1-10.5-102(2) 1-10.5-103
13-December (Thursday)	Last day to complete a recount requested by an interested party. (No later than the 37th day after the General Election)	1-10.5-106(2)
18-December (Tuesday)	Last day for county that conducted a comparison risk-limiting audit to review its CVR file and redact CVRs corresponding to any ballot card susceptible of being personally identified with an individual voter <u>if</u> recount was required or requested. (no later than the third business day following the deadline to complete recount)	Rule 25.2.4

Use this as a reference guide only. Always refer to the Colorado Constitution, Revised Statutes, and Secretary of State Rules for applicable provisions.

2018 Election Calendar

Primary Election: June 26, 2018
General Election: November 6, 2018

NOTE	Following the election, the county clerk must report to the Secretary of State in writing the number of ballot return envelopes with discrepant signatures that the clerk forwarded to the district attorney for investigation.	Rule 7.8.13
Note on Computation of Time		
If the last day for any act to be done or the last day of any period is a Saturday, Sunday, or legal holiday <u>and</u> completion of the act involves a filing <i>or</i> other action during business hours, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.		1-1-106(4)
If a statute or rule requires doing an act in "not less than" or "no later than" or "at least" a certain number of days or "prior to" a certain number of days or a certain number of months " <u>before</u> " the date of an election, the period is shortened to and ends on the <i>prior business day</i> that is not a Saturday, Sunday, or legal holiday.		1-1-106(5)

Use this as a reference guide only. Always refer to the Colorado Constitution, Revised Statutes, and Secretary of State Rules for applicable provisions.

Douglas County

Important 2018 General Election Dates

General Election – Tuesday, November 6

Event	Date
Coordinating entities certifies ballot content to Clerk and Recorder	September 7
SOS certifies state ballot content to Clerk and Recorder	September 10
Public Logic & Accuracy Test	September 19, 9 a.m. – 12 p.m.
Public Logic & Accuracy Test – Alternate Date	September 20, 9 a.m. – 12 p.m.
Uniformed and Overseas Citizens ballots mailed	September 21
Ballots mailed to voters	October 15
Last day voter can request our office mail a ballot	October 29
24 Hour Ballot Drop-off Locations open	November 6, all boxes close at 7 p.m.
Voter Service and Polling Centers open	October 22 – November 5, Mon - Fri, 8 a.m. - 5 p.m. Sat, October 27 & November 3, 9 a.m. - 1 p.m. Tues, November 6, 7 a.m. – 7 p.m.
Election Day	November 6, 7 a.m. – 7 p.m.
Risk Limiting Audit	November 19 & 20, Time 9 a.m. - 5 p.m.
Board of Canvass and Final Certification of Election	November 27, 9 a.m. – noon
Alternate Board of Canvass and Final Certification of Election	November 28, 9 a.m. – noon
Final Certification of Election deadline	November 29

DOUGLAS COUNTY TABOR NOTICE AGREEMENT

The Ballot Issue Notice (TABOR Notice), is the publication required by the Colorado State Constitution Article X, Section 20 for ballot issues and/or ballot questions that calls for increases in the tax rate or government debt. It is required we produce a mailed notice (TABOR Notice) concerning certain ballot issues and/or ballot questions that will be submitted to the electors of the County and the Jurisdiction.

THE COUNTY SHALL PERFORM THE FOLLOWING TASKS IN RELATION TO THE TABOR NOTICE:

- A. Determine the least cost method for mailing the TABOR Notice and determine the portion of such cost to be applied to the Jurisdiction.
- B. Determine Ballot Question number.
- C. Placing the ballot issue notices received from the various Jurisdictions participating in the election in the proper order in the TABOR Notice.
- D. Placing the ballot issue notices received from the various Jurisdictions participating in the election in the proper order in the TABOR Notice.
- E. Mail a TABOR Notice to each household, to "All Registered Voters" addressed within the jurisdiction and within Douglas County boundaries, as required by law, on or before the deadline as set forth within the Election Calendar - Attachment C.
- F. Refer calls concerning the substance of the ballot issues and ballot questions or the operations of the Jurisdiction to such person as is designated by the Jurisdiction.

THE JURISDICTION SHALL PERFORM THE FOLLOWING TASKS IN RELATION TO THE TABOR NOTICE:

- A. 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 Jurisdiction. The DEO shall interact with any Jurisdiction petition representatives, including but not limited to, working to ensure that the CEO receives the summary of written comments within the time required by law.
- B. Determine the ballot title and text.
- C. Include, within its TABOR Notice, ballot titles in this format: "NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE."

Jurisdiction DEO Initials _____

- D. Prepare the text of the TABOR Notice. The TABOR Notice shall include any Jurisdiction voter approved additions, and:
 - a. The election date, hours and local jurisdiction contact name, office address and telephone number.
 - b. - Ballot Title, Ballot text and written comments.
 - c. Fiscal information to be included in the TABOR Notice
- E. Accept written comments concerning ballot issues and/or ballot questions in accordance with § 1-7-901, C.R.S.
- F. Summarize the filed comments in favor of and in opposition to the ballot issue and/or ballot questions, for the TABOR Notice following receipt of such comments received from the eligible electors of the Jurisdiction and the public as necessary for use in the TABOR Notice. § 1-7-903, C.R.S. The process of receiving written comments regarding ballot issues and/or ballot questions and summarizing such comments, as required by Section 20 of Article X of the Colorado Constitution, is the sole responsibility of the Jurisdiction.
- G. Provide the certified content of the Jurisdiction's completed TABOR Notice to the CEO as a plain text file via email.
- H. This submission may not be changed by the Jurisdiction following submission to the CEO without written approval from the CEO (such approval may be withheld for any or no reason) and shall be provided to the CEO no later than the 42nd day preceding the election (see Election Calendar - Attachment C).
- I. Proofread the layout and the text of the Jurisdiction's portion of the official TABOR notice (if applicable) and provide written notice (electronic format) of acceptance before the printing of the ballots. **Approval or requested changes must be received within two (2) hours after the county has emailed the proof.** This may require availability outside of normal business hours. Such acceptance is final, and no changes will be made after written notice (electronic format) is given to the CEO. Failure to meet the deadline shall be observed by the CEO as acceptance. A penalty for delay or rework of the ballot or TABOR notice, will result in an additional fee to the jurisdiction for ALL associated costs with fixing or correcting jurisdictional errors. (See Attachment A)
- J. For elections where, owning property in the Jurisdiction is a requirement for voting in the election, the DEO for each Jurisdiction will be responsible for mailing the TABOR Notice to those electors who own property within the Jurisdiction (or otherwise eligible to vote) but live elsewhere outside the County.

Jurisdiction DEO Initials _____

- K. The Jurisdiction shall defend and resolve at its sole expense all challenges relative to the TABOR Notices certified to the County for inclusion in the TABOR Notice or this election.
- L. Observe all tasks as specified in the State Constitution and the Election Code, in all communication to electors, related to information contained in the TABOR notice.

Town of Parker

By _____	By _____
Date _____	Date _____

Jurisdiction DEO Initials _____

ATTACHMENT - SAMPLE TABOR NOTICE FOR COORDINATING JURISDICTIONS
(May be used as a template by Jurisdiction)

SAMPLE TABOR NOTICE FOR A POLITICAL SUBDIVISION

“ALL REGISTERED VOTERS”

NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN
PETITION/ON A REFERRED MEASURE

Election Date: November 6, 2018

Election Hours: 7:00 A.M. to 7:00 P.M.

Local Election (DEO) Office Address and Telephone Number
(Do NOT include Douglas County Clerk & Recorder Office Information):

(Insert) Local Election (DEO) Office Address:

(Insert) Local Election (DEO) Contact person:

(Insert) Local Election (DEO) Office Telephone
Number

Ballot Title and Text: Ballot Issue and/or Ballot Questions title and text (
See Article 10, Sec.20. - Colorado State Constitution

Preparation of Written Comments:

See C.R.S. 1-7-903

Or

“No comments were filed by the constitutional deadline”

Jurisdiction DEO Initials _____

TABOR CERTIFICATION CONFIRMATION

Douglas County, Colorado

The TABOR Notice included with this form reflects the ballot issues/questions for the Jurisdiction, which you represent. Please review this information and identify any necessary corrections. We cannot begin printing the official TABOR Notice until all approvals and certification have been received. **Approval or requested changes must be received by our office within two (2) hours after the county has emailed the proof.** This may require availability outside of normal business hours. Reply to this email indicating one of the following:

Approved _____

Approved with changes noted _____

Jurisdiction/District Name _____

Signature of DEO _____

Date: _____ Time: _____

Designated Election Official:

_____ (Jurisdiction Name)

_____ (DEO Name)

_____ (Mailing Address)

_____ (City, State, Zip)

_____ (Email Address)

Phone: _____ Fax: _____

Represented by:

_____ (Attorney/Law Firm)

_____ (Mailing Address)

_____ (City, State, Zip)

_____ (Email Address)

Phone: _____ Fax: _____

Per the Intergovernmental Agreement please indicate the Jurisdiction representative(s) that will participate in the following:

1. Election Day Telephone Support for Inquiries (7:00 am - ballot counting completed)

Name: _____ Phone: _____

Email Address: _____

2. Logic and Accuracy (test deck preparation and observation)

Name: _____ Phone: _____

Email Address: _____

Alternate Date Logic and Accuracy (test deck preparation and observation)

Name: _____ Phone: _____

Email Address: _____

3. Board of Canvass

Name: _____ Phone: _____

Email Address: _____

Alternate Date Board of Canvass

Name: _____ Phone: _____

Email Address: _____

4. Ballot Counting Observation (Maximum of two observers per Jurisdiction)

Name: _____ Phone: _____

Email Address: _____

Name: _____ Phone: _____

Email Address: _____

Chief Election Official:

Merlin Klotz, Clerk and Recorder
(Name)

301 Wilcox Street, PO Box 1360
(Mailing Address)

Castle Rock, CO 80104
(City, State, Zip)

mklotz@douglas.co.us
(Email Address)

Phone: 303-663-7364 Fax: 720-733-6977

Contact Officer:

Elaine Meyer, Deputy of Elections
(Attorney/Law Firm)

125 Stephanie Place
(Mailing Address)

Castle Rock, CO 80109
(City, State, Zip)

emeyer@douglas.co.us
(Email Address)

Phone: (303) 663-7663 Fax: (720) 733-6977

Merlin Klotz, C&R
Elaine Meyer, Elections Deputy
Tyler Dean, Lead Elections Specialist
Christopher Pratt, Asst. County Attorney

Office Phone	Cell Phone	Email
(303) 660-7364	(303) 521-5177	mklotz@douglas.co.us
(303) 663-7663	(303) 519-1797	emeyer@douglas.co.us
(303) 814-7618		tdean@douglas.co.us
(303) 660-7338		cpratt@douglas.co.us



Request for Town Council Action

Date: June 4, 2018

Submitted By: Rosemary Sietsema, Executive Assistant
John Fussa, Community Development Director

Reviewed By: Michelle Kivela, Town Administrator

Title: **RESOLUTION NO. 18-043**
A Resolution to Allow a Partial Waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code for Certain Businesses for Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade

Department: Community Development, Rosemary Sietsema

EXECUTIVE SUMMARY

The purpose of this action is to support local businesses that may be impacted by major community events in Downtown. Each year, the Town temporarily waives certain sign code requirements for Downtown Parker where the community event causes street closures limiting access to businesses. This situation occurs during the annual Parker Days Festival, Trick or Treat on Mainstreet and the Christmas Carriage Parade. To mitigate the impact of street closures, the Town relaxes the sign code to allow additional signage for a limited period that increases visibility and encourages patronage of affected businesses.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Parker Chamber of Commerce, Cherry Creek Valley Rotary Club and Town staff request that the Town Council allow certain Downtown businesses located adjacent to streets that will be closed or have limited access due to major community events to display additional signage

during those events.

The sign code partial waiver would be in place from 5 p.m. on June 7, 2018 through midnight on June 10, 2018 for Parker Days; from 5 p.m. on October 30, 2018 through midnight on November 1, 2018 for Trick or Treat on Mainstreet; and from 5 p.m. on December 7, 2018 through midnight on December 9, 2018 for the Christmas Carriage Parade.

In order to allow the additional signage, the Town Council needs to approve a partial waiver of the sign code. The attached resolution would allow unlimited on-site window signs and one additional banner sign not to exceed forty (40) square-feet for eligible businesses during the above dates.

FINANCIAL IMPACT

None

STRATEGIC GOAL(S)

ATTACHMENTS

1. Resolution No. 18-043

RECOMMENDED MOTION

I move to approve Resolution No. 18-043.

RESOLUTION NO. 18-043, Series of 2018

TITLE: A RESOLUTION TO ALLOW A PARTIAL WAIVER OF SECTIONS 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) AND SCHEDULE 13.09.080B OF THE PARKER MUNICIPAL CODE FOR CERTAIN BUSINESSES FOR PARKER DAYS, TRICK OR TREAT ON MAINSTREET, AND THE PARKER CHRISTMAS CARRIAGE PARADE

WHEREAS, Parker Days is scheduled for June 7, 8, 9, and 10, 2018;

WHEREAS, Trick or Treat on Mainstreet is scheduled for October 31, 2018;

WHEREAS, the Parker Christmas Carriage Parade is scheduled for December 8, 2018;

WHEREAS, certain streets will be closed or access will be limited during Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade;

WHEREAS, certain businesses located adjacent to the streets that will be closed or subject to limited access desire to display additional signage beyond what is permitted during Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade;

WHEREAS, Section 13.01.100 of the Parker Municipal Code provides that the Town may authorize waivers to the Parker Land Development Ordinance "if it is deemed by the Town Council to be in the public interest and does not impair the intent and purposes of this Title;"

WHEREAS, a partial waiver of Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code will allow certain businesses to display additional signage to the extent provided in this Resolution to increase their visibility to the public while certain streets are closed or access is limited during Parker Days, Trick or Treat on Mainstreet, and the Parker Christmas Carriage Parade; and

WHEREAS, the Town Council desires to grant a partial waiver, to the extent provided below.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, AS FOLLOWS:

Section 1. The Town Council authorizes a partial waiver to Sections 13.09.040(b)(1), 13.09.070(1), 13.09.080(d) and Schedule 13.09.080B of the Parker Municipal Code, subject to the following conditions:

(a) This partial waiver is limited to those businesses located within the area described in **Exhibit A**, which is attached hereto and incorporated by this reference (the "Affected Businesses");

(b) This partial waiver is limited to the display of additional temporary signage on the same site as the Affected Businesses displaying the additional temporary signage;

(c) Each Affected Business is allowed unlimited window signs, as that term is defined in the Parker Municipal Code;

(d) Each Affected Business is allowed a banner, not to exceed forty (40) square feet;

(e) This partial waiver does not authorize pedestrian signs or sandwich board signs of any type or material;

(f) For Parker Days, the duration of this partial waiver is from 5:00 p.m. on Wednesday, June 6, 2018, through 12:00 midnight on Monday, June 11, 2018.

(g) For Trick or Treat on Mainstreet, the duration of this partial waiver is from 5:00 p.m. on Monday, October 30, 2018, through 12:00 midnight on Wednesday, November 1, 2018.

(h) For the Parker Christmas Carriage Parade, the duration of this partial waiver is from 5:00 p.m. on Friday, December 7, 2018, through 12:00 midnight on Sunday, December 9, 2018.

RESOLVED AND PASSED this _____ day of _____, 2018.

TOWN OF PARKER, COLORADO

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

EXHIBIT A





Request for Town Council Action

Date: June 4, 2018
Submitted By: Bob Exstrom, Project Manager
Reviewed By: Michelle Kivela, Town Administrator
Title: Pine Curve Building Demolitions Project (CIP 18-011)

Amount: \$158,744.00
Contractor: Oak Environmental
Department: Engineering and Public Works, Bob Exstrom

EXECUTIVE SUMMARY

Award of a trade contractor agreement with Oak Environmental for the Pine Curve Building Demolitions Project (CIP 18-011) for \$158,744.00

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town publically opened competitive bids on May 22, 2018, for the Pine Curve Building Demolitions Project (CIP 18-011). Work generally includes asbestos abatement, demolition and site restoration of the two (2) former residences across Mainstreet street from Parker Town Hall known as the "Pine Cure Property." The work is being done to eliminate the premise liability and maintenance associated with these unoccupied dwellings that are becoming dilapidated and to prepare the parcel for future sale and development.

The Town received bids from seven (7) contractors with Oak Environmental being the lowest responsible bidder. Town staff recommends moving forward with the contract award. The bids were as follows:

- | | |
|---------------------------|--------------|
| 1) Oak Environmental | \$158,744.00 |
| 2) Eco Tech Environmental | \$159,960.00 |
| 3) Orion Environmental | \$181,609.00 |
| 4) JKS Industries | \$197,486.69 |

5) ARC Abatement	\$245,375.00
6) Finley	\$256,410.00
7) Horsley Specialties	\$263,951.00
Engineer's Estimate	\$175,000.00

FINANCIAL IMPACT

Funding for this project has been appropriated in the General Government Buildings and Plant (101-4194) Fund.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY

ATTACHMENTS

None

RECOMMENDED MOTION

I move to approve the staff recommendation, as a part of the consent agenda.



Request for Town Council Action

Date: June 4, 2018
Submitted By: Jim Maloney, Town Attorney
Reviewed By: Michelle Kivela, Town Administrator
Title: **MOTION FOR RECONSIDERATION BY VISTA SOUTH, LLC, AND MOUNTAIN WASTE-SOUTH METRO, LLC, PURSUANT TO C.R.S. § 31-12-116(2)(A)(II)**

Applicant: Vista South, LLC
Mountain Waste-South Metro, LLC
Location: Generally bound by county line between Douglas County and Arapahoe County, Upland Drive, Prairie Trail Drive and Compark Boulevard
Department: Town Attorney, Jim Maloney
TrakIt No. ANX18-001

EXECUTIVE SUMMARY

Vista South, LLC, and Mountain Waste-South, LLC (collectively “Vista South”), filed a Motion for Reconsideration, dated April 25, 2018 (the “Motion”) requesting that the Town Council reverse its approval of Ordinance Nos. 2.259 (the “Annexation Ordinance”) and 3.333 (the “Zoning Ordinance”). On May 22, 2018, the Town Attorney sent a letter to legal counsel for Vista South of the Town’s intent to conduct a hearing on June 4, 2018, to address Vista South’s Motion for Reconsideration (the “Notice Letter”).

STAFF RECOMMENDATION

Other

BACKGROUND/DISCUSSION

On April 16, 2018, the Town Council, following notice and hearing, approved the Annexation Ordinance and the Zoning Ordinance. On April 25, 2018, Vista South filed the Motion, as provided by C.R.S. § 31-12-116. On May 22, 2018, the Town Attorney sent the Notice Letter to legal counsel for Vista South. The Notice Letter provides that Vista South may “make any additional arguments in support of (its) Motion based on the evidence presented at the April 16,

2018, public hearing . . .” The Notice Letter allocates fifteen (15) minutes to Vista South and fifteen (15) minutes (collectively) to ABMAR Grasslands, LLC, Charter Communications Holding Company, LLC, M&P Enterprises, LLC, and Woodspear Prairie Trail, LLC. The Town Council, following the hearing, may: (1) grant the Motion; (2) deny the Motion; or (3) take the matter under advisement and issue a decision on June 11, 2018. Staff recommendation is for Town Council to take the matter under advisement and issue a decision on the Motion on June 11, 2018.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



ATTACHMENTS

1. Motion for Reconsideration
2. May 25, 2018, letter to Vista South's legal counsel

RECOMMENDED MOTION

1. I move that Town Council take the Motion under advisement and defer making a decision until June 11, 2018.
2. I move that Town Council hold a special meeting on June 11, 2018, in order to issue a decision on the Motion.

TOWN COUNCIL

TOWN OF PARKER, STATE OF COLORADO

Case Nos. ANX18-001 and Z18-009

Petitioners: ABMAR Grasslands, LLC, Charter Communications Holding Company, LLC, M&P Enterprises, LLC, and Woodspear Prairie Trail, LLC

Landowners: Vista South, LLC, a Colorado limited liability company, Mountain Waste – South Metro, LLC, a Colorado limited liability company

Re: Grasslands/Prairie Trail Annexation and Zoning (Case Nos. ANX18-001 and Z18-009)

Date: April 25, 2018

MOTION FOR RECONSIDERATION BY VISTA SOUTH, LLC AND MOUNTAIN WASTE – SOUTH METRO, LLC, FILED PURSUANT TO C.R.S. § 31-12-116(2)(A)(II).

By and through their undersigned counsel, Vista South, LLC, a Colorado limited liability company (“**Vista South**”) and Mountain Waste – South Metro, LLC, a Colorado limited liability company (“**South Metro**”) (Vista South and South Metro are hereinafter collectively referred to as the “**Landowners**”) submit this Motion for Reconsideration pursuant to C.R.S. § 31-12-116(2)(a)(II). This Motion for Reconsideration relates to certain action taken by the Town of Parker (the “**Town**”) Town Council on April 16, 2018, approving Resolution No. 18-032, Ordinance Nos. 2.259 and 3.333, and an Annexation Agreement (collectively, the “**Approvals**”). Pursuant to the Approvals, Landowners’ property, which is known as Lot 6A-1 and Lot 6A-2 of Compark Filing No. 2, 6th Amendment (the “**Property**”), as well as certain other nearby properties (collectively, “**Petitioners’ Properties**”) owned by BMAR Grasslands, LLC, Charter Communications Holding Company, LLC, M&P Enterprises, LLC, and Woodspear Prairie Trail, LLC (collectively, “**Petitioners**”), was annex into the Town, and all of these properties were subjected to PD-Planned Development District zoning.

Pursuant to C.R.S. § 31-12-116(2)(a)(II), a motion for reconsideration “shall state with particularity the grounds upon which judicial review is sought.” Landowners’ grounds for appeal are laid out in significant detail in Landowners’ Hearing Brief, which was submitted to Town Council at the hearing held on April 16, 2018. In the email enclosing this Motion for Reconsideration, a link is being provided to electronic versions of the Hearing Brief, as well as all of the Exhibits thereto. The Hearing Brief and all of its Exhibits, are incorporated herein by reference. The statements made by counsel for Landowners at the April 16, 2018 Town Council hearing, are also incorporated herein by reference.

Additionally, it is clear that the sole purpose of the annexation was to stop Landowners from engaging in their planned use of their Property, for which use they had been seeking approval from Douglas County. Indeed, it became apparent at the hearing that there was significant coordination between the Town and the Petitioners in developing the plan to pursue this hostile annexation of Landowners’ Property, and in carrying it out. It also appears that the Town solicited and encouraged the City of Centennial (the “**City**”) to take actions that are unlawful under the Annexation Act. Specifically, when Centennial originally received Landowners’ petitions to annex the Property into Centennial, Centennial’s City Attorney indicated that the City would abide by Section 114 of the Annexation Act, and petition the Douglas County District Court to hold an election. However, after contact from Town officials, the City approved a Resolution “electing not to receive” the petitions Landowners had filed. As noted in the Hearing Brief, Centennial’s action was unlawful. The Town’s actions in colluding with the Petitioners and with Centennial in an effort to deprive Landowners of their property rights was similarly unlawful. It was also wrong.

Barring reversal of the Approvals by the Town, this collusion and the Town's other actions will have to be addressed by the courts.

For the reasons set forth above, the Landowners respectfully request that the Town Council reverse its decision to grant the Approvals and reverse the annexation of the Property.

Respectfully submitted this 25th day of April, 2018.

/s/ Bill E. Kyriagis

Bill E. Kyriagis
Brian J. Connolly
Andrew L.W. Peters
OTTEN, JOHNSON, ROBINSON, NEFF &
RAGONETTI, P.C.

/s/ Michael S. McCarthy

Michael S. McCarthy
Ann E. Prouty
Kellen N. Wittkop
FAEGRE BAKER DANIELS LLP

*Attorneys for Plaintiffs Vista South, LLC and
Mountain Waste – South Metro, LLC*



Your kind of place.

May 22, 2018

Via E-Mail & Regular United States Mail

Bill E. Kyriagis, Esq.
Brian J. Connolly, Esq.
Andrew L.W. Peters, Esq.
Otten Johnson Robinson Neff & Ragonetti, P.C.
950 17th St., Suite 1600
Denver, CO 80202

Michael S. McCarthy, Esq.
Ann E. Prouty, Esq.
Kellen N. Wittkop, Esq.
Faegre, Baker Daniels, LLP
1700 M. Lincoln St., Suite 3200
Denver, CO 80203

Re: Town Council of the Town of Parker
Annexation Case Number ANX18-001

Dear Messrs. Kyriagis and McCarthy,

On behalf of the Town Council of the Town of Parker (the “Town Council”), please consider this correspondence to be a response to your Motion for Reconsideration, dated April 25, 2018 (the “Motion”).

The Town Council acknowledges receipt of the Motion pursuant to C.R.S. § 31-12-116(2)(a)(II). Please note that the Motion has also been downloaded in TRAKIT. The Town is also aware that rather than await discussion of potential action by the Town Council on the Motion for Reconsideration as requested by Mr. Hoffmann to Mr. Kyriagis, your clients, Vista South, LLC and Mountain Waste – South Metro, LLC (collectively, “Vista South”), instead filed a First Amended Complaint on April 30, 2018, five (5) days after filing the Motion for Reconsideration, and before the Town Council even had a meeting to potentially discuss the filing of the Motion.

The First Amended Complaint purports to include, in part, review of the annexation proceedings of the Town pursuant to C.R.S. § 31-12-116. Thus, through Vista South’s filing of the First Amended Complaint before the Town has a meaningful opportunity to consider the Motion, it is unclear whether Vista South seeks an actual review of its Motion.

Nonetheless, please consider this correspondence notice of the Town’s intent to conduct a hearing on June 4, 2018, regarding Vista South’s Motion for Reconsideration. Please also note that this correspondence is being sent to representatives of the Petitioners (as defined in your Motion) that annexed the Property, so that they may also participate in the hearing on Vista South’s Motion if they choose to do so.

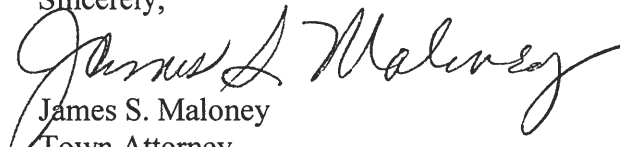
May 22, 2018

Page 2

Accordingly, if you seek to make any additional arguments in support of your Motion based on the evidence presented at the April 16, 2018, public hearing, please feel free to advise me in advance of the June 4, 2018, proceeding. In addition, if you seek time to make an additional presentation, the Town will allot fifteen (15) minutes to Vista South, and fifteen (15) minutes to Petitioners.

Please let me know if you have any questions concerning this notice on behalf of the Town Council.

Sincerely,

A handwritten signature in black ink, appearing to read "James S. Maloney". The signature is fluid and cursive, with the first name "James" being more prominent and the last name "Maloney" following in a similar style.

James S. Maloney
Town Attorney
Town of Parker

c: Corey Y. Hoffmann, Esq.
Joseph L. Lambert, Esq.
Kent Karber, Esq.
Zak Kessler, Esq.
Mark Lestikow



Request for Town Council Action

Date: June 4, 2018

Submitted By: Chris Hudson, Public Works Manager

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 4.114.1 - Second Reading**
A Bill for an Ordinance Amending the Vertical and
Horizontal Alignment and the Grade of Kings Point Way
from the Cottonwood Drive Intersection to Approximately
850 Feet North of Cottonwood Drive Intersection

Department: **Engineering and Public Works, Chris Hudson**

EXECUTIVE SUMMARY

The Town would like to commence the construction of Kings Point Way north of Cottonwood Drive in 2018. Since this is a new Town roadway, the Town must establish the vertical alignment, the horizontal alignment and the grade for this roadway. Based on additional design effort by adjacent development, the profile of this roadway that was established in 2017 needs to be adjusted and an amending ordinance is required.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

Due to the continued development of the Crown Point development and the proposed Kings Point development north of Cottonwood Drive, a roadway parallel to Parker Road (State Highway 83) is needed to support the anticipated traffic. Kings Point Way will be a parallel collector roadway to the east of Parker Road to provide an alternative route for traffic in the area. The construction of Kings Point Way between Cottonwood Drive on the south and the proposed Aurora Parkway on the north will be a community enhancement to support the economic development of this area.

Ultimately a half-mile (2,600 feet) of collector roadway will be constructed to link Cottonwood Drive with the proposed Aurora Parkway. The roadway will be a three (3) lane non-residential collector roadway with bike lanes and sidewalks. Due to anticipated phased development in the

area and contemplated development agreements, the Town is anticipating to construct the roadway in two (2) phases. The construction of the southern half of Kings Point Way is anticipated to begin in 2018. A northern phase will occur in the future (to be determined) as development occurs in the area and following when Aurora Parkway is constructed.

Town Council approved Ordinance 4.114 on October 16, 2017. That ordinance established the vertical alignment, horizontal alignment and the grade of this new Town roadway for approximately 850 feet north of the Cottonwood Drive intersection. Beyond (or north of) this point, the roadway will exist within the incorporated boundary of the City of Aurora and is the reason that this ordinance does not go the entire length of the proposed roadway. This ordinance is being proposed so that future development that occurs adjacent to this roadway will be able to determine the vertical alignment, horizontal alignment and the grade of Kings Point Way. In April of 2018, additional engineering of the development adjacent to the west side of Kings Point Way determined a clearance issue with proposed driveways versus an existing petroleum pipeline adjacent to the roadway. In order to address this clearance issue, the profile of the roadway is being amended vertically up on the northern end of the profile and an amending ordinance is required.

FINANCIAL IMPACT

Funding for this roadway capital improvement project is part of the 2018 budget process. The revised profile will not affect the overall project cost.

STRATEGIC GOAL(S)



ENHANCE ECONOMIC
VITALITY



DEVELOP A VISIONARY
COMMUNITY THROUGH
BALANCED GROWTH

ATTACHMENTS

1. Ordinance No. 4.114.1

RECOMMENDED MOTION

I move to approve Ordinance No. 4.114.1 on second reading.

ORDINANCE NO. 4.114.1, Series of 2018

TITLE: A BILL FOR AN ORDINANCE AMENDING THE VERTICAL AND HORIZONTAL ALIGNMENT AND THE GRADE OF KINGS POINT WAY FROM THE COTTONWOOD DRIVE INTERSECTION TO THE APPROXIMATELY 850 FEET NORTH OF THE COTTONWOOD DRIVE INTERSECTION

WHEREAS, the Town of Parker Master Plan contains a major roadway plan for the construction of the road network that is necessary for the proper development of the Town of Parker;

WHEREAS, the major roadway plan is implemented by the capital improvements plan for roads which have been adopted by the Town of Parker;

WHEREAS, the Town of Parker adopted the "Town of Parker, Colorado Roadway Design and Construction Criteria Manual" to establish standards for the design and construction of roadways within the Town of Parker;

WHEREAS, due to the rapid growth both within and without the Town of Parker, it is necessary to begin designing certain roadways to be developed according to the Town of Parker Master Plan;

WHEREAS, the Town of Parker has determined the proper vertical and horizontal alignment, design and grade for that portion of Kings Point Way as indicated on **Replacement Exhibit A**, which is attached hereto and incorporated herein by this reference, shall be based on the consideration of several factors, including, but not limited to, roadway design requirements, topographical constraints, drainage, impact to adjacent homeowners, the current and planned improvements to the roadways within the Town of Parker, past experience, and the intended use of those roadways identified in this Ordinance;

WHEREAS, the alignment design and grade for Kings Point Way was chosen for that portion of Kings Point Way identified in this Ordinance, because it meets the standards contained in the Town of Parker, Colorado Roadway Design and Construction Criteria Manual for safe travel routes based on the design speed and minimum right-of-way width for Kings Point Way;

WHEREAS, on October 16, 2017, the Town Council passed Ordinance No. 4.114, Series of 2017, which established the vertical and horizontal alignment and grade of Kings Point Way; and

WHEREAS, the Town desires to amend the vertical and horizontal alignment and grade of that portion of Kings Point Way depicted on Replacement Exhibit A.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. The Town Council of the Town of Parker hereby amends the vertical and horizontal alignment design and grade for that portion of Kings Point Way as set forth in Replacement Exhibit A.

Section 2. The Town Council of the Town of Parker directs the Director of Engineering/Public Works to ensure that a detailed survey of the area depicted in the alignment design and grade as shown on Replacement Exhibit A is on file with the Town of Parker Department of Engineering/Public Works.

Section 3. Safety Clause. The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. Severability. If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

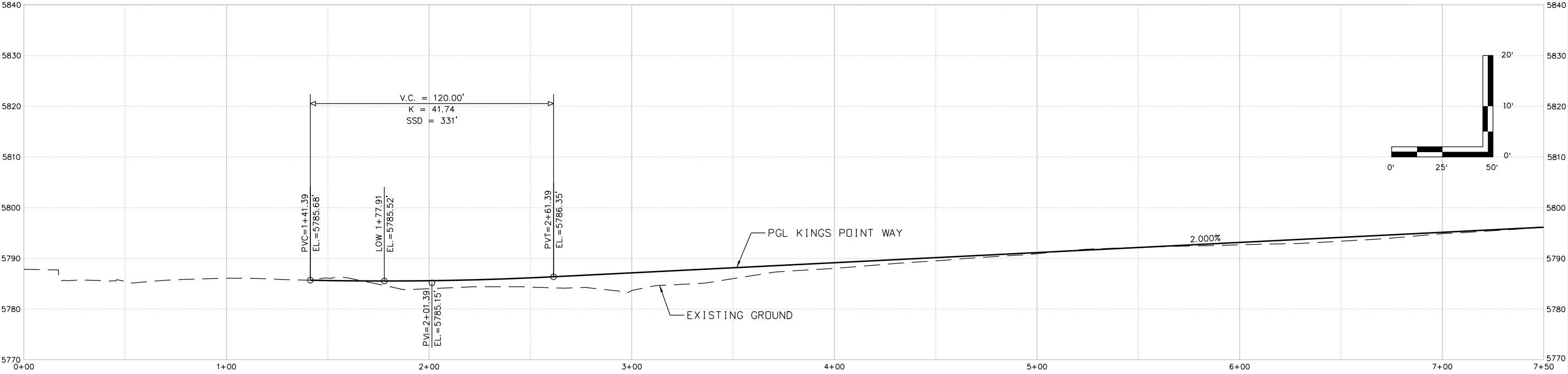
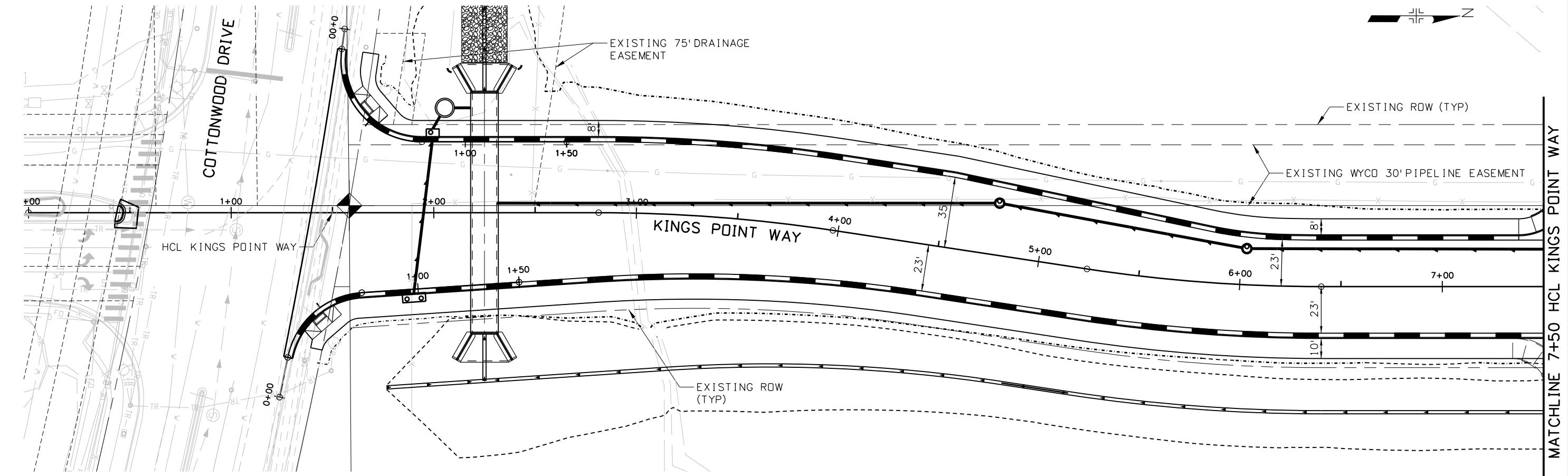
ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney

EXHIBIT A



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Print Date: 5/3/2018

File Name: Exhibit Plan and Profile Sht 1

Horiz. Scale: 1:50 Vert. Scale:

**Stanley Consultants INC.**

8000 South Chester Street
Suite 500
Centennial, CO 80112
Phone: 303-799-6806

Sheet Revisions		
Date:	Comments	Init.

**PARKER**
COLORADO

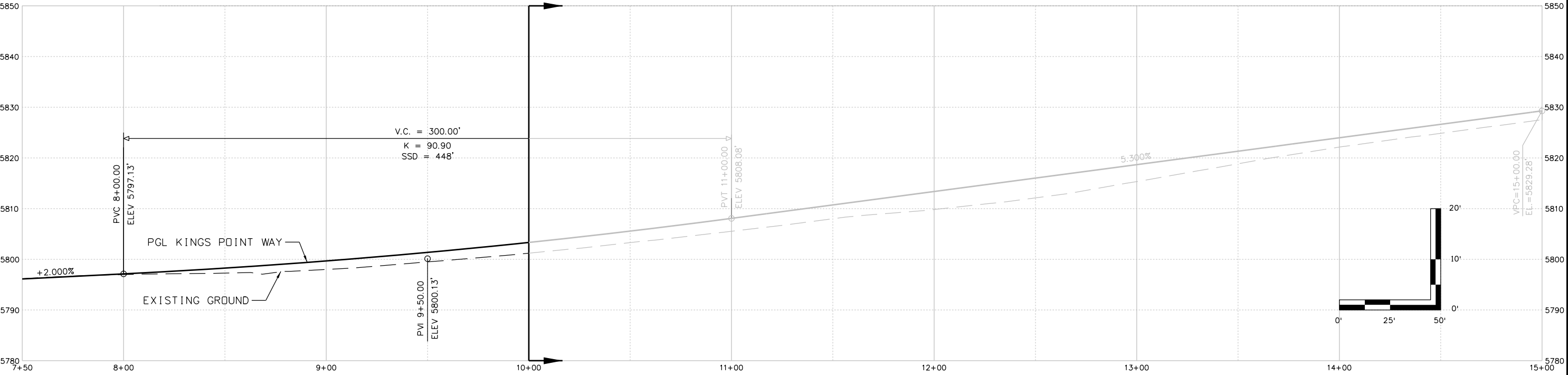
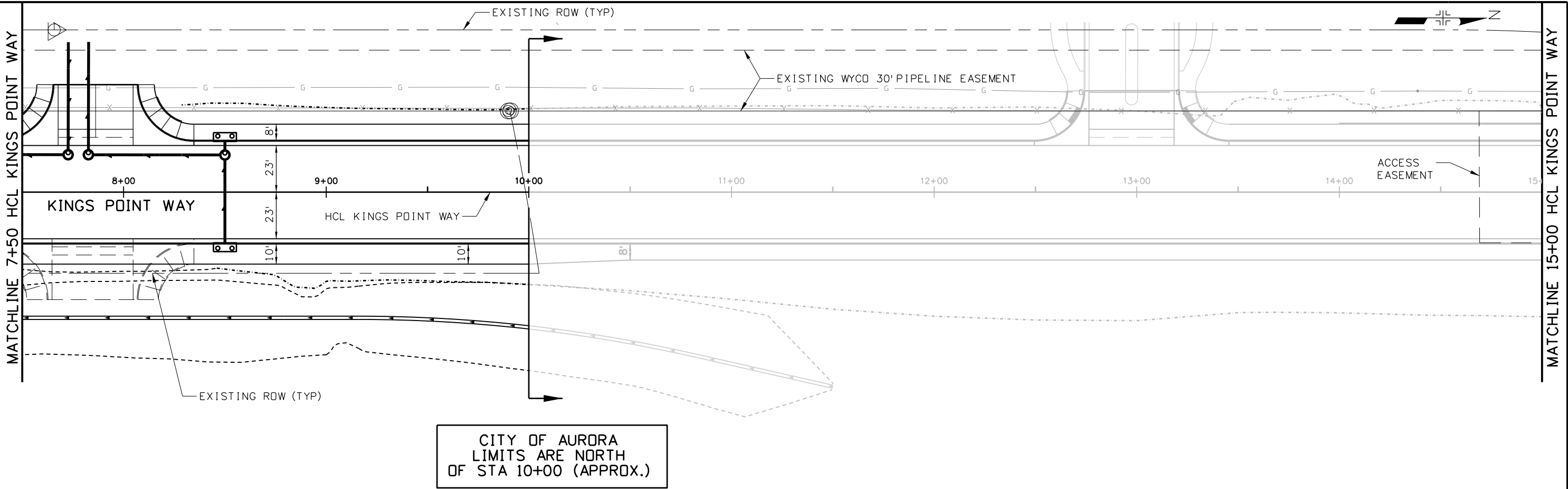
As Constructed
No Revisions:
Revised:
Void:

KINGS POINT WAY
COTTONWOOD DRIVE TO AURORA PARKWAY
PROFILE AND GRADE ORDINANCE PLAN
0+00 TO 7+50

Designer: P. RONDINONE	Checker: J. BINNING
Detailer: P. RONDINONE	Drawing Number: 1 of 2

Project No./Code
Sheet Number

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Exhibit_P&P_02



Print Date: 5/3/2018

File Name: Exhibit_P&P_02

Horiz. Scale: 1:50

Vert. Scale:



8000 South Chester Street
Suite 500
Centennial, CO 80112
Phone: 303-799-6806

Sheet Revisions		
Date:	Comments	Init.



PARKER
COLORADO

As Constructed
No Revisions:
Revised:
Void:

KINGS POINT WAY
COTTONWOOD DRIVE TO AURORA PARKWAY
PROFILE AND GRADE ORDINANCE PLAN
7+50 TO 15+00

Designer: P. RONDINONE

Checker: J. BINNING

Detailer: P. RONDINONE

Drawing Number: 2 of 2

Project No./Code
Sheet Number



Request for Town Council Action

Date: June 4, 2018

Submitted By: Doreen Jokerst, Commander

Reviewed By: Michelle Kivela, Town Administrator

Title: **ORDINANCE NO. 5.06.40 - Second Reading**
A Bill for an Ordinance Repealing Section 12.02.120 and
Amending Chapter 8.07 of the Parker Municipal Code by the
Addition of New Sections 8.07.100 and 8.07.110 Concerning
Unauthorized Camping on Public Property and Sitting and
Lying Down in the Public Right-of-Way

Department: Police Department, Doreen Jokerst

EXECUTIVE SUMMARY

The Town has seen an increase with urban camping. Currently, the only ban on camping in Town is on “park lands,” which include “all public recreation lands, waters or facilities owned, leased or operated by the Town.” This ordinance addresses camping on public property and provides that no citations will be issued for camping until a warning is given and there is no compliance. The ordinance also makes it unlawful for anyone to sit, kneel, recline or lie upon the public right-of-way during high traffic times; again, no citations will be issued until after a warning is given and there is no compliance.

STAFF RECOMMENDATION

Approve

BACKGROUND/DISCUSSION

The Town has seen an increase with urban camping. Currently, the only ban on camping in Town is on “park lands,” which include “all public recreation lands, waters or facilities owned, leased or operated by the Town.” The problems that the Town has encountered with urban camping on public property is the outdoor storage of personal belongings not only in Town open space, but in other public areas of the Town. Prior to the Town removal of personal belongings, the Town ordinance provides “notice and opportunity to be heard” to campers. Notice will be provided by posting a sign at the campsite that sets a date and time for removal. Once the notice is posted, the Town would engage in an outreach to contact any individuals within the vicinity of the camp to determine if the individual(s) are in need of medical or human services

assistance. Once the removal starts, the Town may dispose any item that is perishable or in an unsanitary condition. Illegal items, such as illicit drugs and any items that appear to be the evidence of a crime, will be turned over to law enforcement. However, personal items that have apparent utility, such as identification, eyeglasses, money or jewelry, will be held for a period of at least thirty (30) days and made available at the police department for recovery by the owner. The ordinance provides that no citations will be issued for camping until a warning is given and there is no compliance. The ordinance also makes it unlawful for anyone to sit, kneel, recline or lie upon the public right-of-way during high traffic times, but no citations will be issued until after a warning is given and there is no compliance.

FINANCIAL IMPACT

None.

STRATEGIC GOAL(S)



PROMOTE A SAFE AND
HEALTHY COMMUNITY



ENHANCE ECONOMIC
VITALITY



INNOVATE WITH
COLLABORATIVE
GOVERNANCE

ATTACHMENTS

1. Ordinance No. 5.06.40

RECOMMENDED MOTION

I move to approve Ordinance No. 5.06.40 on second reading.

ORDINANCE NO. 5.06.40, Series of 2018

TITLE: A BILL FOR AN ORDINANCE REPEALING SECTION 12.02.120 AND AMENDING CHAPTER 8.07 OF THE PARKER MUNICIPAL CODE BY THE ADDITION OF NEW SECTIONS 8.07.100 AND 8.07.110 CONCERNING UNAUTHORIZED CAMPING ON PUBLIC PROPERTY AND SITTING AND LYING DOWN IN THE PUBLIC RIGHT-OF-WAY

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 12.02.120 of the Parker Municipal Code is hereby repealed in its entirety.

Section 2. Chapter 8.07 of the Parker Municipal Code is hereby amended by the addition thereto of a new Section 8.07.100, to read as follows:

8.07.100 Unauthorized camping on public property prohibited.

(a) Legislative intent.

(1) To protect the public health, safety and welfare of the Town and its residents by prohibiting undesirable activities or conduct on public property which may substantially interfere with the public's use and enjoyment of such public places.

(2) To allow for the removal of personal property reasonably believed to be the result of unauthorized camping upon reasonable and adequate notice and providing an opportunity for individuals to retrieve removed personal property upon request to the Town.

(b) In this Section, the following words and phrases shall have the meanings respectively ascribed to them as follows:

Camp means to reside or dwell temporarily in a place, with shelter. The term "*shelter*" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing. The term "*reside or dwell*" includes, without limitation, conducting such activities as eating, sleeping, or the storage of personal possessions.

Personal property means any item that is reasonably recognizable as belonging to a person and that has apparent utility, including, without limitation, personal identification, eyeglasses, money or jewelry.

Public place means any street, alley, sidewalk, pedestrian or transit mall, bike path, greenway, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, or other recreational facility; or any other grounds, buildings, or other facilities owned or leased by the Town or by any other public owner, regardless of whether such public property is vacant or occupied and actively used for any public purpose.

(c) It shall be unlawful for any person to camp upon any public property, except in a location where camping has been expressly allowed pursuant to a permit or as otherwise authorized by the Town.

(d) No officers of the Town of Parker Police Department shall issue a citation, make an arrest or otherwise enforce this Section against any person unless:

(1) The officer orally requests or orders the person to refrain from the alleged violation of this Section and, if the person fails to comply after receiving the oral request or order, the officer tenders a written request or order to the person warning that if the person fails to comply the person may be cited or arrested for a violation of this Section; and

(2) The officer attempts to ascertain whether the person is in need of medical or human services assistance, including, but not limited to, mental health treatment, drug or alcohol rehabilitation, or homeless services assistance. If the officer determines that the person may be in need of medical or human services assistance, the officer shall make reasonable efforts to contact and obtain the assistance of a designated human service outreach worker, who in turn shall assess the needs of the person and, if warranted, direct the person to an appropriate provider of medical or human services assistance in lieu of the person being cited or arrested for a violation of this Section. If the officer is unable to obtain the assistance of a human services outreach worker, if the human services outreach worker determines that the person is not in need of medical or human services assistance, or if the person refuses to cooperate with the direction of the human services outreach worker, the officer may proceed to cite or arrest the person for a violation of this Section so long as the warnings required by Paragraph (1) of this Subsection have been previously given.

(e) Cleanup of unauthorized camping sites. Upon violation of this Section, officers may remove and store all unclaimed personal property found at an unauthorized camping site. Illegal items, such as illicit drugs and any items that reasonably appear to be evidence of a crime will be turned over to the appropriate law enforcement agency. Any items otherwise not regarded as having apparent utility or that are in an unsanitary condition will be immediately discarded. Removal of personal property under this Section shall be executed pursuant to the following procedure:

(1) At least seventy-two (72) hours prior to the proposed cleanup date, the Town will post a notice stating the date and time of the cleanup. The notice will be posted in the general vicinity of the personal property to be removed.

(2) In the event of the existence of a condition posing an imminent danger of damage or injury to or loss of life, limb, property or health, the Town shall provide a notice of cleanup no more than twenty-four (24) hours prior to the proposed cleanup date.

(3) Personal property removed from illegal camp sites shall be stored in a secure location and shall be held for a period of at least thirty (30) days from the date the cleanup occurred.

(4) An individual may claim ownership of an item of personal property within thirty (30) days from the last date that the cleanup occurred. The Town will not return items reasonably believed to be marijuana or products containing marijuana, and will dispose of such products in accordance with its Parker Police Department policies and procedures for the disposal of illicit substances.

(5) After the thirty- (30-) day storage period elapses, unclaimed personal property will be disposed of by either discarding, recycling, or otherwise disposing of such items as determined by the Chief of Police.

Section 3. Chapter 8.07 of the Parker Municipal Code is hereby amended by the addition thereto of a new Section 8.07.110, to read as follows:

8.07.110 Sitting or lying down in the public right-of-way.

(a) Legislative findings. The Town Council finds and determines that intentionally blocking, obstructing or interfering with the safe or free passage of a pedestrian or vehicle by any means in high traffic areas, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid contact, is a public safety concern without regard to the speech of the individual who is intentionally blocking, obstructing or interfering with the safe or free passage of a pedestrian or vehicle, and that such conduct should be regulated to address the public safety concerns caused by individuals taking evasive action to avoid such contact.

(b) Unlawful. It shall be unlawful for any person to sit, kneel, recline or lie down upon the surface of any public right-of-way, or upon any bedding, chair, stool, or any other object placed upon the surface of the public right-of-way, between the hours of seven o'clock (7:00) a.m. and ten o'clock (10:00) p.m. daily and between the hours of ten o'clock (10:00) p.m. and three o'clock (3:00) a.m. on Friday and Saturday nights.

(c) Definitions. For the purposes of this Section, the term below shall have the following meaning:

Public right-of-way means any street, sidewalk, trail, path, alley, parkway, curb, median, jersey wall, traffic island or any other publicly owned property intended or used for pedestrian, recreational or vehicular travel located adjacent to nonresidentially zoned areas of the Town.

(d) Defense. It is an affirmative defense to a violation of this Section that a person:

(1) Sits, kneels, reclines or lies down upon the public right-of-way due to a medical emergency;

(2) As a result of a medically confirmable disability, utilizes a wheelchair, walker or other similar mobility supporting device to move about the public right-of-way;

(3) Is operating or patronizing a commercial establishment located in the public right-of-way pursuant to any permit or license issued by the Town;

(4) Sits or kneels on the public right-of-way when attending a parade, festival, performance, rally, demonstration, meeting or similar special event conducted in the public right-of-way pursuant to any permit or license issued by the Town;

(5) Sits upon an object intended for sitting in the public right-of-way furnished by the Town or by any other public agency; or

(6) Sits upon a public sidewalk at or near a transit stop while waiting for public transportation.

(e) Notification by law enforcement. No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this Section against any person, unless the person engages in conduct prohibited by this Section after having first been notified by a law enforcement officer that the conduct violates this Section.

Section 4. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this ordinance was posted in two public places two days before the Town Council meeting as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 5. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney