

**TOWN OF PALMER LAKE
COUNTY OF EL PASO
COLORADO**

Resolution No. 2 of 2018

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO, PROVIDING THAT THE APRIL 3, 2018, REGULAR TOWN ELECTION SHALL BE A POLLING PLACE ELECTION GOVERNED BY ARTICLE 10 OF TITLE 31 OF THE COLORADO REVISED STATUTES; DESIGNATING THE ELECTION OFFICIAL; DELEGATING TO THE ACTING TOWN CLERK THE AUTHORITY TO APPOINT JUDGES OF ELECTION FOR THE REGULAR ELECTION; SETTING THE COMPENSATION OF THE APPOINTED ELECTION JUDGES; SETTING A SINGLE PRECINCT AND POLLING PLACE; DELEGATING TO THE ACTING TOWN CLERK THE AUTHORITY TO CANCEL THE TOWN OF PALMER LAKE 2018 MUNICIPAL ELECTION AFTER THE CLOSE OF BUSINESS ON JANUARY 29, 2018, IF THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE FILLED; AND SUBMITTING A QUESTION TO THE ELIGIBLE VOTERS TO DETERMINE WHETHER THE REGULAR ELECTION DATE OF THE TOWN SHOULD BE CHANGED TO THE TUESDAY SUCCEEDING THE FIRST MONDAY IN NOVEMBER OF EACH EVEN NUMBERED YEAR IF AND ONLY IF THE 2018 ELECTION IS NOT OTHERWISE CANCELLED

WHEREAS, THE TOWN OF PALMER LAKE, COLORADO (THE "TOWN"), IS A MUNICIPAL CORPORATION DULY ORGANIZED AND OPERATING AS A STATUTORY MUNICIPALITY UNDER THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO; AND

WHEREAS, PURSUANT TO SECTION 31-1-101(1)(A), C.R.S., APRIL 3, 2018, IS A REGULAR TOWN ELECTION DATE UNDER STATE LAW; AND

WHEREAS, THE BOARD OF TRUSTEES DESIRES TO AUTHORIZE THE ELECTION TO BE GOVERNED BY ARTICLE 10 OF TITLE 31, C.R.S., TO DESIGNATE THE ELECTION OFFICIAL, TO DELEGATE THE AUTHORITY TO APPOINT ELECTION JUDGES TO CATHY GREEN, AS THE ACTING TOWN CLERK, AND TO SET THE COMPENSATION OF THE ELECTION JUDGES; AND

WHEREAS, C.R.S. SECTION 31-10-401 REQUIRES THE TOWN BOARD OF TRUSTEES TO EITHER: (1) APPOINT JUDGES OF ELECTION AT LEAST 15 DAYS BEFORE EACH MUNICIPAL ELECTION; OR (2) DELEGATE TO THE CLERK OF THE MUNICIPALITY THE AUTHORITY AND RESPONSIBILITY TO APPOINT JUDGES OF ELECTION; AND

WHEREAS, THE BOARD OF TRUSTEES DESIRES TO DELEGATE TO THE ACTING TOWN CLERK, WHO IS THE DESIGNATED ELECTION OFFICIAL FOR THE

APRIL 3, 2018 REGULAR BIENNIAL ELECTION, THE AUTHORITY AND RESPONSIBILITY TO APPOINT JUDGES OF ELECTION FOR SUCH SPECIAL ELECTION; AND

WHEREAS, C.R.S. SECTION 31-10-408 PROVIDES THAT THE GOVERNING BODY SHALL DETERMINE THE COMPENSATION OF ELECTION JUDGES; AND

WHEREAS, THE BOARD OF TRUSTEES DESIRES TO SET THE COMPENSATION OF THE ELECTION JUDGES; AND

WHEREAS, C.R.S. § 31-10-507 PROVIDES THAT IF A MUNICIPALITY HAS ADOPTED AN ORDINANCE ADDRESSING CANCELLATION OF ELECTIONS, IT MAY CANCEL AN ELECTION WHERE THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE FILLED; AND

WHEREAS, AT THE REGULAR TOWN ELECTION SCHEDULED TO BE HELD ON TUESDAY APRIL 3, 2018, THE ONLY MATTER IS THE ELECTION OF CANDIDATES TO THE ELECTED OFFICES OF MAYOR AND TRUSTEES (UNLESS THE ELECTION IS OTHERWISE HELD, IN WHICH EVEN THE ADDITIONAL BALLOT QUESTION AS SET FORTH IN THIS RESOLUTION SHALL BE INCLUDED ON THE BALLOT); AND

WHEREAS, IN ACCORDANCE WITH C.R.S. § 31-10-507, AS OF THE 64TH DAY BEFORE THE ELECTION, IF THERE ARE NOT MORE CANDIDATES FOR OFFICE THAN OFFICES TO BE FILLED, INCLUDING CANDIDATE(S) WHO HAVE FILED AFFIDAVITS OF INTENT AS WRITE-IN CANDIDATE(S), THE ACTING TOWN CLERK, IF INSTRUCTED BY RESOLUTION OF THE BOARD OF TRUSTEES EITHER BEFORE OR AFTER SUCH DATE, SHALL CANCEL THE ELECTION AND BY RESOLUTION DECLARE THE CANDIDATES ELECTED, AND UPON SUCH DECLARATION THE CANDIDATES SHALL BE DEEMED ELECTED; AND

WHEREAS, THE DEADLINE FOR FILING WRITE IN CANDIDATE AFFIDAVITS IS SIXTY-FOUR DAYS BEFORE THE ELECTION, OR JANUARY 29, 2018; AND

WHEREAS, AFTER THE CLOSE OF BUSINESS ON JANUARY 29, 2018, IF THERE ARE NO MORE THAN ONE (1) CANDIDATE FOR EACH SEAT TO BE FILLED BASED UPON THOSE FILING NOMINATION PETITIONS OR WRITE-IN CANDIDATE AFFIDAVITS, THE BOARD DESIRES TO DIRECT THE ACTING TOWN CLERK TO CANCEL THE ELECTION, AND THE BOARD SHALL DECLARE ALL CANDIDATES ELECTED AS OF SUCH DATE, AS PROVIDED BY C.R.S. §31-10-507 AND TOWN CODE SECTION 1.50.010.

WHEREAS, CONTINGENT ON THE APRIL 3, 2018, REGULAR ELECTION NOT OTHERWISE BEING CANCELLED AS SET FORTH IN THIS RESOLUTION, IN ORDER TO PROMOTE EFFICIENCY, VOTER PARTICIPATION AND TO REDUCE TOWN

ELECTION COSTS, IN ACCORDANCE WITH SECTIONS 31-101-109 AND 31-11-111(2), C.R.S., THE TOWN BOARD OF TRUSTEES DESIRES TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE TOWN A BALLOT QUESTION TO DETERMINE WHETHER THE REGULAR ELECTION DATE OF THE TOWN SHOULD BE CHANGED TO THE TUESDAY SUCCEEDING THE FIRST MONDAY IN NOVEMBER OF EACH EVEN NUMBERED YEAR; AND

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO:

Section 1. **Polling Place Election.** The April 3, 2018, regular Town election shall be governed by Article 10 of Title 31 of the Colorado Revised Statutes.

Section 2. Cathy Green, the Acting Town Clerk, shall act as the Designated Election Official and the Designated Election Official is authorized to correct typographical errors and omissions.

Section 3. The Town Board of Trustees delegates to the Acting Town Clerk the authority and responsibility to appoint judges of election for the April 3, 2018, regular biennial election, and to assure (a) the issuance of appropriate certificates of appointment by the Acting Town Clerk, (b) filing by such appointees of a form of acceptance of such appointment within seven days of the mailing of the certificate of appointment, and (c) the taking of an oath or affirmation by such election judges before votes are counted in the form required by C.R.S. Section 31-10-407.

Section 4. Pursuant to C.R.S. Section 31-10-408, each election judge shall receive for their service the amount of ten dollars (\$10) for each hour of service.

Section 5. After the close of business on January 29, 2018, if there are no more than one (1) candidate for each seat to be filled based upon those filing nomination petitions or write-in candidate affidavits, the Board hereby directs the Acting Town Clerk to cancel the election, and declare all candidates elected as of such date, as provided by C.R.S. §31-10-507 and Town Code Section 1.50.010.

Section 6. In accordance with Sections 31-10-109 and 31-11-111(2), C.R.S., the Board of Trustees hereby submits the following ballot question to the eligible electors of the Town if and only if the election is not otherwise cancelled in accordance with Section 5 of this Resolution, the question as recited also being the ballot title:

BALLOT QUESTION #1:

COMMENCING IN 2020, SHALL THE TOWN REGULAR ELECTION DATE BE CHANGED FROM THE FIRST TUESDAY IN APRIL OF EACH EVEN NUMBERED YEAR TO THE TUESDAY ON WHICH THE GENERAL STATEWIDE ELECTION IS HELD NOVEMBER OF EACH EVEN NUMBERED YEAR TO ALLOW THE

TOWN TO SAVE ELECTION COSTS AND PARTICIPATE IN ELECTIONS
COORDINATED BY THE COUNTY?

___ YES

___ NO

Section 7. In accordance with Section 31-10-502, C.R.S., the Town shall consist of a single precinct for purposes of the April 3, 2018, regular election and the polling place for such precinct shall be the Town Hall Board Meeting Room located at 42 Valley Crescent, Palmer Lake, CO 80133.

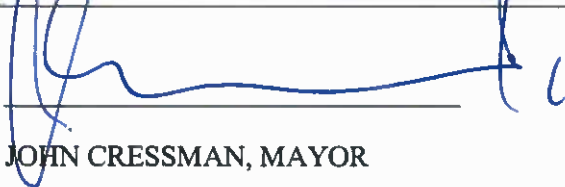
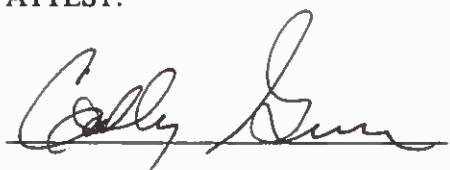
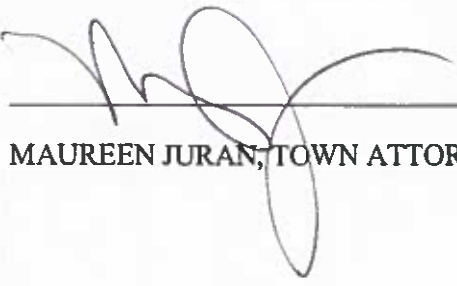
Section 8. Any and all actions of the Acting Town Clerk pursuant to the Colorado Municipal Election Code or other law in fulfillment of the desire of the Board of Trustees to conduct the election as indicated in this Resolution, are hereby ratified and affirmed.

Section 9. The Designated Election Official and Town's Attorney are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the election.

Section 10. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 11. This Resolution shall be effective upon its adoption

PASSED AND RESOLVED on this 11 day of Jun, 2018 by the Board of Trustees of the Town of Palmer Lake by a vote of 7 for and 0 against.

 _____ JOHN CRESSMAN, MAYOR ATTEST:  _____ CATHY GREEN, ACTING TOWN CLERK	Approved as to Form:  _____ MAUREEN JURAN, TOWN ATTORNEY
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