

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 965**

**AN ORDINANCE OF THE TOWN OF MEAD CALLING FOR A SPECIAL
ELECTION TO BE HELD AS A COORDINATED ELECTION AND
DELEGATING AUTHORITY TO THE TOWN CLERK TO EXECUTE A
MEMORANDUM OF INTERGOVERNMENTAL AGREEMENT WITH WELD
COUNTY REGARDING THE COORDINATED ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 2, 2021**

WHEREAS, November 2, 2021, is a designated coordinated election date under state law; and

WHEREAS, a petition seeking the removal of the prohibition against medical and retail marijuana enterprises in the Town of Mead and repealing and replacing Article VI of Chapter 6 of the Mead Municipal Code was submitted to the Town Clerk on July 23, 2021 (the "Initiative Petition"); and

WHEREAS, C.R.S. § 31-11-104(1) requires that the Board of Trustees refer the proposed ordinance set forth in the Initiative Petition to the registered electors of the Town at a regular or special election, if the Board does not ultimately proceed to adopt the proposed ordinance without alteration; and

WHEREAS, the Town of Mead ("Town") desires to call a special election to be held on November 2, 2021 for purposes of having the registered electors of the Town vote on the proposed ordinance set forth in the Initiative Petition, and such other matters as may be referred to Town voters, and further desires to conduct said special election as a coordinated election; and

WHEREAS, pursuant to C.R.S. § 1-7-116(5), the Town has notified the Weld County Clerk and Recorder in writing of its intent to participate in the November 2, 2021, election; and

WHEREAS, pursuant to C.R.S. § 1-7-116(1), if more than one political subdivision holds an election on the same day in November and the eligible electors for each election are the same or the boundaries overlap, the county clerk and recorder shall conduct the elections on behalf of all political subdivisions; and

WHEREAS, Section 1-7-116(2), C.R.S., states that the political subdivisions for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder, which agreement shall be signed no later than seventy (70) days prior to the election, or on or before August 24, 2021; and

WHEREAS, the Board of Trustees of the Town of Mead wishes to enter into such an agreement with the Weld County Clerk and Recorder regarding the conduct of the coordinated election; and

WHEREAS, Sections 31-10-102.7 and 1-1-102(1), C.R.S., allow a municipality to provide by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. (the "Uniform Election Code") in lieu of the Municipal Election Code of 1965, Article 10 of Title 31, C.R.S., with respect to any election; and

WHEREAS, in accordance with Section 2-1-10 of the Municipal Code, this Ordinance confirms that the November 2, 2021 election will be conducted pursuant to the requirements and procedures of the Uniform Election Code.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Special Election Called. The Board of Trustees hereby calls a special election to be held as a coordinated election on November 2, 2021. For purposes of the November 2, 2021 coordinated election, the Town shall utilize the requirements and procedures of the Uniform Election Code.

Section 3. Delegation of Authority to Execute IGA. The Board of Trustees hereby delegates authority to the Town Clerk to execute the Memorandum of Intergovernmental Agreement for Conduct of Coordinated Elections between the Town, the Weld County Board of County Commissioners and the Weld County Clerk and Recorder regarding the conduct of the November 2, 2021 coordinated election, once approved as to form by the Town Attorney (the "Election IGA"), and authorizes the Town Manager, the Town Clerk and their respective designees to take whatever action is necessary to coordinate the election. The Election IGA shall be executed on or before August 24, 2021.

Section 4. Appointment of DEO. The Designated Election Official for the Town for the 2021 coordinated election is the Town Clerk.

Section 5. Approval of Costs. The Board of Trustees hereby specifically approves the expenditure of the Town's pro rata share of the actual costs for the Weld County Clerk and Recorder to conduct the coordinated election, including the Town's pro rata share of the costs of printing and mailing the ballots and all other election expenses pursuant to the terms of the Election IGA.

Section 6. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 7. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 8. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 9. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 9th DAY OF AUGUST, 2021.

ATTEST:

By:

Aimee Brossman, Deputy Town Clerk



TOWN OF MEAD:

By:

Colleen G. Whitlow, Mayor