

STATE OF COLORADO)	
)	
COUNTY OF LA PLATA) SS.	CERTIFICATE AS TO
)	<u>CONDUCT OF ELECTION</u>
CITY OF DURANGO)	

I, Amy Phillips, the designated election official for the City of Durango in the County of La Plata, State of Colorado (the “City”), hereby certify that:

1. Pursuant to and in full compliance with Resolution R-2015-34 adopted by the City Council on September 1, 2015, a true and correct copy of which is attached hereto as **Exhibit A** (the “Resolution”), and the Uniform Election Code of 1992 (the “Election Code”), an election in and for the City of Durango was held on Tuesday, November 3, 2015 (the “Election”). Pursuant to such Resolution, I was appointed the designated election official for the City of Durango.

2. On or before September 4, 2015, I certified the content and order of the ballot issue set forth in the Resolution to the County Clerk of La Plata County, Colorado; such certification is attached hereto as **Exhibit B**.

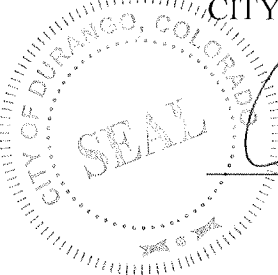
3. Attached hereto as **Exhibit C** is a true and correct copy of the City of Durango’s Intergovernmental Agreement with La Plata County, Colorado.

4. On or before September 22, 2015, I delivered to the La Plata County Clerk the full text of the ballot issue notice pursuant to Section 1-7-904 C.R.S.

5. On or before October 14, 2015, I posted or caused to be posted on the City’s website a Notice of Financial Information pursuant to Section 1-7-908, C.R.S. attached hereto as **Exhibit D**.

6. Immediately after the survey of returns for the ballot issue was prepared, I notified the City Council of the City of Durango of the Election result and made a certificate of the votes cast for and against the ballot issue in the form attached hereto as **Exhibit E** available for public inspection in my office for no less than ten days following the completion of the survey of returns by the board of canvassers.

IN WITNESS WHEREOF, I have set my hand this November 23, 2015.

CITY OF DURANGO
The seal of the City of Durango, Colorado, is circular with a dotted border. The text "CITY OF DURANGO, COLORADO" is written around the inner edge of the border. In the center, the word "SEAL" is written in a stylized font. The seal is partially obscured by the signature and the text below it.
Amy Phillips
Designated Election Official

List of Exhibits:

- Exhibit A - Election Ordinance/Resolution
- Exhibit B - Certificate or Letter as to Order of Ballot/Ballot Content
- Exhibit C - Intergovernmental Agreement
- Exhibit D - Form of Notice of Financial Information
- Exhibit E - Certificate of Votes Cast

RESOLUTION NO. R-2015-34

**A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY AT
A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2015 A BALLOT ISSUE
AND TITLE CONCERNING AN INCREASE IN CITY DEBT FOR THE PURPOSE OF
FINANCING IMPROVEMENTS TO THE CITY'S WASTEWATER SYSTEM AND
AUTHORIZING OTHER ACTIONS REGARDING THE CONDUCT OF SUCH
ELECTION**

WHEREAS, the City of Durango, in the County of La Plata and State of Colorado (the "City"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter (the "Charter"); and

WHEREAS, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, also referred to as the Taxpayer's Bill of Rights ("TABOR"), requires voter approval for any new tax, any increase in any tax rate, the creation of any debt, and the spending of certain funds above limits established by TABOR; and

WHEREAS, the Council wishes to submit to the registered electors of the City a ballot issue seeking to authorize an increase in City debt to finance improvements to the City's wastewater system; and

WHEREAS, TABOR requires that the City submit ballot issues, as defined in TABOR, to the City's registered electors on specified election days before action can be taken on such ballot issues; and

WHEREAS, Article VI, Section 1 of the Charter provides that City elections shall be governed by the Colorado municipal election law; and

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

WHEREAS, on November 3, 2015, the La Plata County Clerk and Recorder (the "County Clerk") will be conducting a coordinated election (the "Election") pursuant to the Uniform Election Code of 1992 (the "Election Code"); and

WHEREAS, the Council wishes to hold a special election on November 3, 2015 in conjunction with the Election being conducted by the County; and

WHEREAS, November 3, 2015 is one of the election dates at which TABOR ballot issues may be submitted to the registered electors of the City pursuant to TABOR.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
DURANGO, IN THE COUNTY OF LA PLATA AND THE STATE OF COLORADO:**

Section 1. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the City and the officers thereof, directed toward the Election and the objects and purposes herein stated is ratified, approved and confirmed. Unless otherwise defined herein, all terms used herein shall have the meanings specified in the Election Code.

Section 2. The Election shall be conducted as a coordinated election by the County Clerk pursuant to TABOR and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the "intergovernmental agreement") between the City and the County Clerk of the County. The City hereby determines that the Election shall be held on November 3, 2015, and that there shall be submitted to the eligible electors of the City the question set forth herein. Because the Election will be held as part of the coordinated election, the Council hereby determines that the County Clerk shall conduct the Election on behalf of the City pursuant to the Uniform Election Code of 1992 and the applicable intergovernmental agreement. The officers of the City are hereby authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 3. Pursuant to Section 31-11-111, C.R.S., the title and submission clause which shall be submitted to the eligible electors of the City at the Election shall be in substantially the following form:

QUESTION 1-A: AUTHORIZATION TO INCREASE CITY DEBT BY NOT MORE THAN \$68,000,000 TO FINANCE IMPROVEMENTS TO THE CITY'S WASTEWATER SYSTEM AND TO PLEDGE WASTEWATER UTILITY REVENUES TO THE PAYMENT OF THE DEBT.

SHALL CITY OF DURANGO DEBT BE INCREASED NOT MORE THAN \$68,000,000 WITH A TOTAL REPAYMENT COST OF NOT MORE THAN \$101,340,000 FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE CITY'S WASTEWATER SYSTEM INCLUDING, WITHOUT LIMITATION, THE DESIGN AND CONSTRUCTION OF A NEW WASTEWATER TREATMENT PLANT AT A NEW LOCATION OR THE IMPROVEMENT OF THE CURRENT WASTEWATER TREATMENT PLANT; AND SHALL THE DEBT BE PAID SOLELY FROM THE CITY'S WATERWATER UTILITY REVENUES; AND SHALL SUCH DEBT (1) BE ISSUED IN ONE OR MORE SERIES AT SUCH PRICES AND WITH SUCH TERMS AS THE CITY MAY DETERMINE INCLUDING PROVISIONS FOR REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM, AND (2) BEAR INTEREST AT A RATE OR RATES SUCH THAT THE MAXIMUM ANNUAL DEBT SERVICE OF ALL SERIES IS NOT MORE THAN \$4,776,000?

Section 4. The City Clerk is hereby appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the Election.

Section 5. If a majority of the votes cast on the question to authorize indebtedness submitted at the Election shall be in favor of incurring debt as provided in such question, the City acting through the Council shall be authorized to proceed with the necessary action to incur debt in accordance with such question.

Any authority to contract debt, if conferred by the results of the Election, shall be deemed and considered a continuing authority to contract the debt so authorized at any one time, or

from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 6. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 7. If the voters authorize the debt as described in the question set forth above, the City intends to issue such debt in the approximate aggregate principal amount not to exceed of \$68,000,000 to pay the costs of the project described in the debt question, including the reimbursement of certain costs incurred by the City prior to the execution and delivery of such debt, upon terms acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. The officers, employees, and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the project and to otherwise carry out the transactions contemplated by the Resolution. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This Resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 8. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 9. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City, directed towards the Election and the objects and purposes herein stated, are hereby ratified, approved, and confirmed.

Section 10. If any portion of this Resolution is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this Resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 11. All other resolutions or portions thereof inconsistent or conflicting with this Resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

ADOPTED AND APPROVED this September 1, 2015.

Mayor

(SEAL)

ATTEST:

City Clerk

STATE OF COLORADO)
)
 COUNTY OF LA PLATA) SS.
)
 CITY OF DURANGO)

I, the City Clerk of the City of Durango, do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the City Council (the “Council”) at an open, regular meeting held on September 1, 2015.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of September 1, 2015, by an affirmative vote of a majority of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Keith Brant	X			
Dean Brookie	X			
Sweetie Marbury	X			
Christina Rinderle	X			
Dick White	X			

3. The members of the Council were present at such meeting and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor of the City, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

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

6. Notice of the meeting of September 1, 2015 in the form attached hereto as Exhibit A was posted at the City Hall, in the City of Durango, not less than twenty-four hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said City affixed this 2nd day of September, 2015.

 City Clerk

(SEAL)

Exhibit A

(Form of Notice of Meeting)

La Plata County Election Services Intergovernmental Agreement

THIS AGREEMENT is made effective this ____ day of August, 2015, between the Board of County Commissioners of La Plata County, Colorado, the La Plata County Clerk and Recorder (the “Clerk”) and the City of Durango (the “District”) (collectively, the “Parties”).

Recitals

The District desires to conduct an election pursuant to its statutory authority on November 3, 2015 (the “Coordinated Election”). ; and

The Clerk has agreed to perform certain Coordinated Election services set forth herein in consideration of the performance by the District of its obligations and payment of a fee as set forth herein; and

An agreement concerning the preparation, conduct and actual cost of the Coordinated Election is required pursuant to C.R.S. § 1-7-116(2) and Colorado Secretary of State Election Rule 4. This agreement shall be signed no later than August 14, 2015; this date allows one week for processing in the Clerk and Recorder’s office, rather than the August 25, 2015 statutory deadline.

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

I. Duties of the Clerk

The Clerk has designated Erin Hutchins, whose telephone number is (970) 382-6297, as the “Contact Officer” to act as the primary liaison between the Clerk and the District for the purposes of the Coordinated Election. The Contact Officer shall act under the authority of the Clerk.

The Clerk generally agrees to assist and inform the District on matters that ensure the efficient preparation and conduct of the Coordinated Election. The Clerk shall not provide legal advice and will refer specific questions regarding candidates or ballot questions to the District. Specifically, the Clerk shall perform the following duties, or such other duties as may be mutually agreed upon by the Parties in writing, in connection with the Coordinated Election:

A. Preparation for the Coordinated Election

1. Provide the District the SCORE address library file, which lists the street addresses for properties located in the District within the Clerk’s voter registration system, for the District’s Designated Election Official (“DEO”) to certify the completeness and accuracy. Colorado Secretary of State Election Rule 4.1.3.
2. If requested, provide the District a voter registration list enumerating the names and addresses of the registered voters in the District.
3. Conduct the Coordinated Election in accordance with the Uniform Election Code of 1992, C.R.S. § 1-1-101 *et seq.*, the Taxpayer’s Bill of Rights, Colo. Const. Art. X, § 20, and any pertinent rules and/or regulations promulgated by the Colorado Secretary of State (collectively, the “Applicable Election Laws”). Should a conflict arise or exist between the Applicable Election Laws and other statutes governing District elections, including but not limited to C.R.S. §§ 22-31-101 *et seq.*, 30-20-501 *et seq.*, 32-1-801 *et seq.*, 30-20-801 *et seq.*, or, if the Clerk determines that any of these statutes governing District elections imposes irreconcilable or impracticable duties, obligations, or procedures, the Applicable Election Laws shall apply.
4. Manage all voter records and correspondence in accordance with the Applicable Election Laws.
5. Supply, deliver and set up all necessary items for the conduct and preparation of the Coordinated Election.
6. Certify the election judges and determine their compensation. If requested, provide a list of election judges. Train election judges prior to the Coordinated Election, including specific instruction in the secure operation of the election equipment.
7. Place the ballot content properly certified to the Clerk in accordance with the Applicable Election Laws upon

the ballot. Certify the ballot content to the printer. Contract for printed ballots and coordinate payment to printer(s).

8. Provide, no later than twenty days before the Coordinated Election, notice by publication of the election pursuant to C.R.S. §1-7.5-107(2.5). Such notice shall satisfy the publication requirement for all political subdivisions participating in the Coordinated Election pursuant to C.R.S. §1-5-205(1.4).
9. Conduct all required tests and audits of the voting system prior to and after the Coordinated Election pursuant to C.R.S. § 1-7-509(1) and Colorado Secretary of State Election Rule 11.
10. Establish backup procedures and a backup site for the counting of the Election, should the counting equipment become unavailable during the count.

B. Conduct of the Coordinated Election

1. Coordinate the proper number of election judges at the three pre-determined Voter Service and Polling Center sites. All sites will be accessible to electors with disabilities. Coordinate the mail ballot processing judges.
2. Provide for the security and processing of all mail-in ballots. Provide for the verification of signatures on the self-affirmation on the return envelope.
3. Facilitate special accommodations for all military and overseas citizens as provided by the Uniformed and Overseas Citizens Absentee Voting Act.
4. Provide provisional ballots to electors who qualify under C.R.S. §1-8.5-101. Provide a telephone number and website address that provisional voters may check to inquire if their provisional ballot counted.
5. Provide properly trained personnel for the preparation and conduct of the Coordinated Election. Provide personnel at the tabulation center on Election Day/Night to certify unofficial results.
6. Conduct a canvass of the votes and certify the results of the Coordinated Election within the time required by Applicable Election Laws. A certified copy will be provided to the District for their records.
7. Preserve all Coordinated Election records for at least twenty-five months after the Coordinated Election.
8. Pursuant to the Applicable Election Laws, conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount or if requested by an interested party.

C. Election Costs

1. Keep an accurate account of all Coordinated Election costs including, but not limited to, ballots and other related election forms, election supplies, printing costs, legal notices, temporary labor, postage, legal costs and other expenses attributable to the Clerk's administration of the Coordinated Election for the District. Legal costs shall include, but are not limited to any costs incurred by the Clerk to enforce a provision of this Agreement or to defend any legal or administrative action brought by a candidate or District as it relates to this Agreement or the November 3, 2015, Coordinated Election. The Clerk shall be the sole determiner as to whether legal counsel outside of the La Plata County Attorney's office is required or warranted to bring or defend legal or administrative action as referenced in this Agreement.
2. The Clerk shall charge the District for its portion of the costs of the Coordinated Election incurred by the Clerk for that District up to and including the date of cancellation of the Coordinated Election.
3. The Clerk shall submit to the District an invoice for all expenses incurred under this Agreement.
4. The cost of any recount(s) will be charged to the District, or if more than one public entity is involved in the recount, the cost will be prorated among the participating public entities.

D. TABOR Notice

1. If the Applicable Election Laws require that the Clerk prepare a TABOR notice, the Clerk shall do so in

compliance with Article X, § 20 of the Colorado Constitution and any other Applicable Election Laws.

2. Charge the District for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses shall be prorated among all public entities participating in the TABOR notice. Such proration shall be based, in part, upon the number of persons registered to vote within each district.
3. Mail to "All Registered Voters" at each address of one or more active registered electors in La Plata County the TABOR notice not less than thirty days prior to the election pursuant to Colorado Constitution Article X, § 20(3)(b). The Clerk shall determine the most cost effective method for mailing and addressing the TABOR notice. Nothing herein shall preclude the Clerk from sending TABOR Notices to persons other than electors of the District if doing so ensures that all potential electors receive TABOR Notices or to ensure TABOR Notices are provided pursuant to the most cost effective method.

II. Duties of the District

The District has designated _____, whose phone number is _____, as its Designated Election Official ("DEO") pursuant to C.R.S. §1-1-104(8). The DEO shall act as the primary liaison between the District and the Clerk.

If the District encompasses territory within other counties, this Agreement shall apply only to that portion of the District within La Plata County.

The District agrees to assist and inform the Clerk on matters that ensure the efficient preparation and conduct of the Coordinated Election. Specifically, the District shall perform the following duties, or such other duties as may be mutually agreed upon by the Parties in writing, in connection with the Coordinated Election:

A. Preparation for the Coordinated Election

1. Post and/or publish any other legal notices required pursuant to the Applicable Election Laws.
2. Be solely responsible for determining whether a ballot issue, question or candidate is properly placed before the voters.

Review the information contained in the SCORE address library file and certify its accuracy, as well as any changes, additions or deletions to the file. The District shall certify the SCORE address library file no later than August 25 2015 at 5:00 p.m. The final accuracy of the SCORE address library file shall be the District's responsibility. If certification is not provided by the date specified herein, the District may not participate in the Coordinated Election.

3. Provide the Clerk with a copy of the ordinance or resolution stating that the District will participate in the Election in accordance with the terms and conditions of this Agreement. The ordinance or resolution shall authorize the presiding officer of the District or other designated person to execute this Agreement.
4. Provide a certified copy, as an email attachment, to erin.hutchins@co.laplata.co.us at the earliest possible time and in any event pursuant to C.R.S. §1-5-203 (3)(a) no later than sixty days before the election, September 4, 2015 at 5:00 p.m., of the ballot content (candidates, issues and questions) to the Clerk exactly as and in the order in which it is to appear and be printed on the ballot. The certified list of candidates, ballot issues and/or ballot questions shall be final and the Clerk will not be responsible for making any changes after the certification.
5. Proofread and approve the District's ballot content for printing within one business day of receipt from the Clerk. The District shall provide an email address and designate a person to be available for proofing and approving ballot content for printing. Due to limited printing availability and time constraints, the District must provide contact information for someone who is available from 8:00 a.m. to 5:00 p.m. from September 4, 2015 until September 18, 2015 or until final approval of printing of ballots has been reached. The Clerk agrees to keep all contact personnel apprised of ballot printing status. The District has designated _____, whose phone is _____ and email is _____.
6. If requested, provide person(s) to participate in testing/auditing of voting equipment used in the Election. Additionally, as per C.R.S. §1-10-202, the District shall appoint at least one Canvass Board member whom

must be available the week of November 16, 2015 to assist with the canvass of votes following the election.

7. If the District is a municipality, notify the Clerk that the District has provided by ordinance or resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 with respect to the Coordinated Election and forthwith provide a copy of said ordinance or resolution to the Clerk.
8. In the event that the District resolves not to participate in the Coordinated Election, notice of such resolution shall be provided to the Clerk immediately. Within thirty days of providing such notice, the District shall promptly pay the Clerk the full costs of the activities of the Clerk relating to the notice, including without limitation production and mailing costs, incurred both before and after the Clerk's receipt of such notice. The District shall provide notice by publication of the cancellation of the Coordinated Election and a copy of the notice shall be posted in the office of the Clerk, at each polling location, and in the office of the Designated Election Official. The District shall not cancel the election after the twenty-fifth day prior to the election, October 9, 2015 pursuant to C.R.S. §1-5-208(2). In the event that the District resolves not to participate in the Coordinated Election after the last day to certify ballot content, September 4, 2015, the text provided by the District cannot be removed from the ballot and/or the TABOR notice.

B. Conduct of the Coordinated Election

1. The District shall immediately notify the Clerk of any Election contest that is initiated and shall keep the Clerk apprised of the need to retain Coordinated Election records for use in such a contest.

C. Election Costs

1. The District's proportional share of costs shall be based on Clerk expenditures relative to the Coordinated Election and the number of electors per entity.
2. The District confirms that it has sufficient funds available in its approved budget to pay its prorated Coordinated Election expenses.
3. If it is determined that counting must be moved to an established backup site, all related costs shall be paid by the District (shared with any other District whose ballots are being counted during the Coordinated Election in the timeframe using the backup procedures and site).
4. Upon receipt of the invoice, pay to the Clerk within thirty days a fee which shall be an amount determined in accordance with the formula. Proportionate share shall be determined by adding the estimated number of eligible electors within the county and the total number of eligible electors from all other political subdivisions participating in the Coordinated Election in La Plata County, and dividing the cost by the total number of electors. The estimated number of eligible electors within the District is 10,139. The estimated number of eligible electors within La Plata County is 32,838.
5. Pay any additional or unique election costs resulting from District delays and/or special preparations or cancellations relating to the District's participation in the Coordinated Election.

D. TABOR Notice

1. If the District is required to prepare a TABOR notice for any ballot issue(s) pursuant to the Applicable Election Laws, the District shall be solely responsible for its preparation, accuracy and the language contained therein, and shall submit such notice, including pro and con summaries and fiscal information, to the Clerk no later than September 22, 2015 at 5:00 p.m. C.R.S. §1-7-904. Such notice shall be provided to the Clerk in written form and by email.
2. Assign a Designated Election Official who shall be the official contact person for the Clerk and who shall perform such duties as are required by law including the obligation to receive and summarize written comments for and against proposals subject to Article X, § 20 of the Colorado Constitution. The Clerk shall have no duty or obligation to receive or summarize such comments.
3. Proofread and approve the District's TABOR content for printing. The District shall provide an email and designate a person to be available for proofing and approving TABOR content for printing. Due to limited printing availability and time constraints, the District must provide contact information for someone who is

available from 8:00 a.m. to 5:00 p.m. from September 22, 2015 until September 25, 2015, or until the TABOR notice is mailed. The Clerk agrees to keep all contact personnel informed of TABOR printing status. The District has designated _____, whose phone number is _____ and email is _____.

4. Incorporate a local election office address and telephone number into the TABOR notice. Such local election office and telephone shall be open during the Clerk's regular business hours. The Clerk shall respond to all correspondence and calls that the Clerk receives within its expertise relating to election procedures, but shall refer inquiries concerning the substance of the ballot issues and ballot questions or the operations of the District to the Designated Election Official.
5. Mail to all property owners within the District's district, other than those property owners to whom the Clerk has mailed notice above, the notice required by Article X, § 20 of the Colorado Constitution, such mailing to be in accordance with the requirements of the Colorado Constitution, statutes and rules and regulations.
6. The District shall pay a prorated amount for the costs to produce and mail the TABOR notice. Such proration to be based, in part, upon the number of persons registered to vote within each District.

III. General Provisions

1. To the extent legally permissible, the District hereby agrees to defend, save and hold harmless the Board of County Commissioners of La Plata County, Colorado and the La Plata County Clerk and Recorder, and any other La Plata County departments, officers, elected officials and employees from any and all costs, damage, and liability which is caused by an activity, condition or event arising out of the performance or nonperformance of any provision of this Agreement. Such costs shall include but are not limited to, in the event of legal action, court costs, expenses and reasonable attorney's fees, including reimbursement of all costs and attorney's fees associated with any litigation arising out of this Agreement. Any liability of the District hereunder shall be expressly subject to the monetary limitations set forth in the Colorado Governmental Immunity Act.
2. The District hereby releases the Board of County Commissioners of La Plata County, Colorado and the La Plata County Clerk and Recorder, and any other La Plata County departments, officers, elected officials and employees from all claims, causes of action or liabilities that may arise out of this Agreement by the Clerk affecting or relating to the Election that the Clerk makes using reasonable care and in good faith.
3. If any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any provisions of this Agreement, then the successful or prevailing party, will be entitled to recover reasonable attorney's fees, court costs and all expenses even if not taxable as court costs (including, without limitation, all such fees, costs and expenses incident to appeals) incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.
4. If any term or provision of this Agreement shall be adjudicated to be invalid illegal or unenforceable, this offending term shall be amended to conform as closely as possible to the parties' original intent and the validity of the other terms and provisions of this Agreement shall not be affected thereby.
5. No portion of this Agreement shall be deemed to create a cause of action with respect to anyone not a party to this Agreement, nor is this Agreement intended to waive any privileges, immunities to the parties, their officers or employees may possess, except as expressly stated in this Agreement.
6. Time is of the essence under this Agreement. The statutory time frames or requirements of the Applicable Election Laws shall apply to the completion of any duties or tasks required under this Agreement.
7. The term of this Agreement shall be from the date of its final execution through December 31, 2015.

In Witness whereof, the Parties hereto have executed this Agreement the day and year first above written.

(Seal)

**Board of County Commissioners
La Plata County, Colorado**

Attest:

Gwen Lachelt, Chair

Deputy Clerk to the Board

**Clerk & Recorder
La Plata County, Colorado**

Tiffany L Parker

District

(name)

(title)

**NOTICE
of
FINANCIAL INFORMATION
for
CITY OF DURANGO, COLORADO**

At the election to be held on November 3, 2015, the City of Durango (the “City”) is submitting a ballot issue concerning the creation of debt or financial obligations.

Pursuant to §1-7-908(1) C.R.S., the following financial information is provided:

I. City’s Ending General Fund Balance by Fiscal Year

<u>Fiscal Year</u>	<u>Ending Balance</u>
2015 (projected)	\$
2014 (audited)	\$
2013 (audited)	\$
2012 (audited)	\$
2011 (audited)	\$

II. Total Revenues In and Expenditures From the City’s General Fund by Fiscal Year

<u>Fiscal Year</u>	<u>Revenues In</u>	<u>Expenditures From</u>
2015 (projected)	\$	\$
2014 (audited)	\$ _	\$ _
2013 (audited)	\$ _	\$ _
2012 (audited)	\$ _	\$ _
2011 (audited)	\$ _	\$ _

**III. Amount Incurred by the City for Cash Flow Purposes – by Fiscal Year
(Debt or other Financial Obligation with not more than one year term)**

<u>Fiscal Year</u>	<u>Cash Flow Borrowings</u>
2015 (projected)	\$ -0- _____
2014 (audited)	\$ -0- _____
2013 (audited)	\$ -0- _____
2012 (audited)	\$ -0- _____
2011 (audited)	\$ -0- _____

IV. The City’s Emergency Reserve Required by § 20(5) of Article X of the Colorado Constitution has been Fully Funded by Cash or Investments for the following Fiscal Years

<u>Fiscal Year</u>	<u>Emergency Reserve Held In General Fund</u>
2015 (current)	<u>fully funded*</u>
2014 (audited)	<u>fully funded*</u>
2013 (audited)	<u>fully funded*</u>
2012 (audited)	<u>fully funded*</u>
2011 (audited)	<u>fully funded*</u>

V. Any Person may Review the City’s

1. audited Financial Statements for the last four Fiscal Years,
2. any Management Letters made public and provided to the City by the City’s Auditors for the last four Fiscal Years, and
3. the Budget for the current Fiscal Year

at the following location:

City of Durango Finance Department
 949 East 2nd Avenue
 Durango, Colorado 81301
 Telephone: 970-375-5000

VI. City’s Ending Wastewater Fund Balance by Fiscal Year

<u>Fiscal Year</u>	<u>Ending Balance</u>
2015 (projected)	\$
2014 (audited)	\$
2013 (audited)	\$
2012 (audited)	\$
2011 (audited)	\$

VII. Total Revenues In and Expenditures From the City's Wastewater Fund by Fiscal Year

<u>Fiscal Year</u>	<u>Revenues In</u>	<u>Expenditures From</u>
2015 (projected)	\$	\$
2014 (audited)	\$	\$
2013 (audited)	\$	\$
2012 (audited)	\$	\$
2011 (audited)	\$	\$

**LA PLATA COUNTY
QUESTION 1A**

SHALL LA PLATA COUNTY TAXES BE INCREASED \$5,600,000 IN 2016 AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER THROUGH AND INCLUDING COLLECTION YEAR 2025 BY THE IMPOSITION OF AN ADDITIONAL MILL LEVY OF NOT TO EXCEED 2.4 MILLS THE REVENUES OF WHICH WILL BE ALLOCATED TO THE COUNTY ROAD AND BRIDGE FUND WITH EXPENDITURES OF SUCH REVENUES TO BE MADE BY THE BOARD OF COUNTY COMMISSIONERS ONLY AFTER CONSIDERATION OF THE RECOMMENDATIONS OF A CITIZENS ADVISORY COMMITTEE APPOINTED BY THE BOARD WHICH COMMITTEE SHALL ADVISE THE COUNTY ON PROJECT PRIORITIES, REVIEW PROGRESS ON THE PRIORITIES AND ISSUE AN ANNUAL REPORT TO THE CITIZENS OF THE COUNTY; AND SHALL SUCH TAX REVENUES, ANY RELATED SPECIFIC OWNERSHIP TAXES AND THE EARNINGS FROM THE INVESTMENT OF SUCH TAX REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW AND NOTWITHSTANDING THE PROPERTY TAX REVENUE INCREASE LIMIT IMPOSED BY SECTION 29-1-301, COLORADO REVISED STATUTES?

YES

NO

**CITY OF DURANGO
QUESTION 2B**

AUTHORIZATION TO INCREASE CITY DEBT BY NOT MORE THAN \$68,000,000 TO FINANCE IMPROVEMENTS TO THE CITY'S WASTEWATER SYSTEM AND TO PLEDGE WASTEWATER UTILITY REVENUES TO THE PAYMENT OF THE DEBT.

SHALL CITY OF DURANGO DEBT BE INCREASED NOT MORE THAN \$68,000,000 WITH A TOTAL REPAYMENT COST OF NOT MORE THAN \$101,340,000 FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE CITY'S WASTEWATER SYSTEM INCLUDING, WITHOUT LIMITATION, THE DESIGN AND CONSTRUCTION OF A NEW WASTEWATER TREATMENT PLANT AT A NEW LOCATION OR THE IMPROVEMENT OF THE CURRENT WASTEWATER TREATMENT PLANT; AND SHALL THE DEBT BE PAID SOLELY FROM THE CITY'S WASTEWATER UTILITY REVENUES; AND SHALL SUCH DEBT (1) BE ISSUED IN ONE OR MORE SERIES AT SUCH PRICES AND WITH SUCH TERMS AS THE CITY MAY DETERMINE INCLUDING PROVISIONS FOR REDEMPTION PRIOR TO MATURITY WITH OR WITHOUT PAYMENT OF A PREMIUM, AND (2) BEAR INTEREST AT A RATE OR RATES SUCH THAT THE MAXIMUM ANNUAL DEBT SERVICE OF ALL SERIES IS NOT MORE THAN \$4,776,000?

YES

NO

2641 (67.56%) 1271 (32.44%)

**LA PLATA COUNTY
Question 1B**

Reestablishing the right of La Plata County, Colorado to provide high-speed internet services, telecommunications services, and/or cable television services.

Without increasing taxes, shall La Plata County, Colorado be authorized to reestablish the right to provide high-speed internet services (advanced service), telecommunications services, and/or cable television services (all as defined in § 29-27-102, Colorado Revised Statutes) to residents, businesses, schools, libraries, nonprofit entities and other users of such services, either directly or indirectly with public or private sector partners?

YES

NO

**CITY OF DURANGO
Question 2C**

Reestablishing the right of the City to provide high-speed internet services, telecommunications services, and/or cable television services.

Without increasing taxes, shall the City of Durango be authorized to reestablish the right to provide high-speed internet services (advanced service), telecommunications services, and/or cable television services (all as defined in §29-27-102, Colorado Revised Statutes) to residents, businesses, schools, libraries, nonprofit entities and other users of such services, either directly or indirectly with public or private sector partners?

YES

NO

3507 (89.95%) 392 (10.05%)

Vote Both Sides of the Ballot

6655.52

Election Summary Report
11/03/15 Coordinated Election
Summary For Jurisdiction Wide, All Counters, All Races
Final Official Results

Date: 11/13/15
 Time: 09:15:28
 Page: 2 of 3

Registered Voters 40827 - Cards Cast 12924 31.66%

County - Question 1A		Total	
Times Counted		12924/40827	31.7 %
Total Votes		12671	
Times Over Voted		1	
Number Of Under Votes		252	
YES		6089	48.05%
NO		6582	51.95%

County - Question 1B		Total	
Times Counted		12924/40827	31.7 %
Total Votes		12682	
Times Over Voted		2	
Number Of Under Votes		240	
YES		10794	85.11%
NO		1888	14.89%

Ignacio - Question 2A		Total	
Times Counted		143/548	26.1 %
Total Votes		141	
Times Over Voted		0	
Number Of Under Votes		2	
YES		116	82.27%
NO		25	17.73%

Durango - Question 2B		Total	
Times Counted		3973/13843	28.7 %
Total Votes		3918	
Times Over Voted		1	
Number Of Under Votes		54	
YES		2647	67.56%
NO		1271	32.44%

Durango - Question 2C		Total	
Times Counted		3973/13843	28.7 %
Total Votes		3899	
Times Over Voted		0	
Number Of Under Votes		74	
YES		3507	89.95%
NO		392	10.05%

Bayfield - Question 2D		Total	
Times Counted		582/1780	32.7 %
Total Votes		578	
Times Over Voted		0	
Number Of Under Votes		4	
YES		391	67.65%
NO		187	32.35%



Direct Pay # _____
Assigned by Finance Department

DIRECT PAY REQUISITION

VENDOR LaPlata County Clerk

Purchasing requirements: Sole Source * Formal Bid Informal Bid

*If Sole Source is checked and amount is over \$5,000, a Sole Source Justification Form must be attached; if under \$5,000 explain why this is a sole source procurement in Description area below.

Payment Frequency: Single Payment Multiple Other

Description of product or service:

November 2015 Election costs

ACCOUNT NUMBER: 11.4112.31499 \$3,327.76 91-8110-31499 \$3,327.76

AMOUNT: \$ 6,655.52

REQUESTING DEPARTMENT: Finance

DEPT. APPROVAL: Julie Bur DATE: 12-2-15

For items to be BID attach bid specifications before routing to Purchasing Agent.

Reviewed by Purchasing for Illegal Alien Certification _____

Approved by PURCHASING
(If over \$5,000)

Approved by FINANCE

****NEW ROUTING: All Direct Pay Requests must first be routed through Purchasing for compliance with Illegal Alien Certification, per State Statute.**

La Plata County Clerk and Recorder

INVOICE

Tiffany Lee Parker
 98 Everett St, Ste. C
 Durango, CO 81303
 Phone (970) 382-6297 Fax (970) 259-5413

DATE: November 24, 2015

BILL TO:
 City of Durango
 949 E 2nd Avenue
 Durango, CO 81301

November 3, 2015 Coordinated Election

CATEGORY	DESCRIPTION	AMOUNT
Printing	Test Ballots	\$ 288.00
	Mail Ballots	\$ 7,783.92
	Mail Ballot Overs	\$ 288.00
	BOD Paper	\$ 116.25
	Inner Envelopes	\$ 4,140.00
	Outer Envelopes	\$ 7,935.00
	Secrecy Sleeves	\$ 5,520.00
	UOCAVA Envelopes	\$ 495.00
Postage	Mail Ballots	\$ 4,899.50
	Undeliverable Ballots	\$ 935.82
	UOCAVA Ballots	\$ 9.32
Judges	Compensation	\$ 13,703.68
	Mileage	\$ 567.81
	Food	\$ 148.38
	Canvass	\$ 25.00
Miscellaneous	Mail Ballot Processing	\$ 8,432.58
	Durango Herald Notice	\$ 599.00
	Pine River Times Notice	\$ 271.00
	Election Banner	\$ 170.55
	Employee Overtime	\$ 599.84
	Employee Mileage	\$ 143.75
Total		\$ 57,072.40
State Reimbursement		\$ (26,443.20)
Total		\$ 30,629.20

Tiffany Lee Parker

City of Durango Costs

City of Durango Active Eligible Electors	9,442
Rate Per Active Eligible Elector	\$ 0.42
Total Cost of Active Eligible Electors	\$ 3,936.05
TABOR Cost	\$ 2,719.48
Total Amount Due	\$ 6,655.52

Make all checks payable to La Plata County Clerk.
 Payments due 30 days after receipt.

Thank you!