



BOARD OF TRUSTEES
August 18, 2020
6:00 PM

Special Meeting

MINUTES

A. CALL TO ORDER

Mayor Hamman called the meeting to order at 6:00 p.m.

1. Roll Call

Mayor Troy Hamman
Mayor Pro Tem Wyatt Knutson
Trustee Jon Gaiter
Trustee John Jerome
Trustee Rebekka Kinney
Trustee Ashley Macdonald
Trustee Tim Whitehouse

Also Present:

Kelly Houghteling, Interim Town Administrator
Brad March, Town Attorney
Tyler Sexton, Interim Finance Director
Cody Bird, Director of Planning
Bob Gowing, Director of Public Works
Krystal Eucker, Town Clerk

B. ACTION ITEMS

1. Intergovernmental Agreement with Larimer County for the 2020 Election

Per Mr. March, relative to the initiated ordinance, issues exist as to whether any required election should be run as part of the consolidated November 3, 2020 general election ballot or should a separate ballot with the election run independently by the Town Clerk.

Colorado Law provides at C.R.S. 1-7- 116(2)

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 for the county or counties in which the political subdivision is located concerning the conduct of the coordinated election. The agreement shall be signed no later than seventy days prior to the scheduled election. The agreement shall include but not be limited to the following....

Included in packet material are proposed IGA's requested by the County, one providing for the Town's issues being placed on the coordinated election ballot, the second providing that the Town would run its own election. Due to the County having no issues on the ballot, initially it was estimated that the Town's cost to put matters on the general election ballot would be in the \$75,000 range. The County thereafter agreed to absorb a part of the election costs and has since revised the estimate (with the TABOR issue) to be around \$30,000 to participate in the coordinated election. The Town Clerk feels that an independent election can be held at a far less expense.

As set forth in the referenced statute, the proposed County agreement needs to be signed 70 days prior to the November 3rd election which is August 25, 2020.

As pointed out in a prior memo, timelines are particularly tight in that any registered elector has the right to protest various statutory compliance issues. A protest may be raised up to 40 days after the petition was filed. The timeline for a protest would expire after the time by which the form of the ballot for the November 3rd coordinated county election has to be finalized under state law. It is possible that as a result of a protest, election issues could change. A dramatic change caused by a protest could require reprinting ballots, including county wide ballots for Wellington voters, which could have a financial impact to the Town and concern has been raised that this cost could be more severe in a coordinated election setting. The Board needs to provide direction to the Town Clerk as to whether the Town wants to participate in the coordinated election or hold a stand-alone election.

Mayor Hamman inquired if it has been determined that there is enough signatures for this to move forward.

Mr. March stated the Clerk has made that determination and I understand it.

Mayor Hamman confirmed that the question is whether to put this on the County ballot or complete a stand-alone Town of Wellington election.

Mr. March confirmed that is the question.

Mayor Hamman inquired as to what the cost would be.

Mr. March stated there is an allocation of cost for participants in the coordinated election. The IGA that has Wellington participating in the coordinated election has an exhibit attached with that does not include Wellington although Berthoud has an allocation of \$89,000. We have been informed that the County will be making allocations to bring that cost down and a new estimate of \$30,000 is the cost to coordinate with the County.

Mayor Hamman inquired as to what a stand-alone election would cost.

Ms. Eucker stated an estimated cost to complete the election would be \$15,000.

Trustee Jerome inquired as to what the cost was for the last election.

Ms. Eucker stated it was a little over \$11,000.

Trustee Macdonald inquired as to how much staff time will be involved to run the election.

Ms. Eucker stated initially there will be a lot of work to get the ballot solidified and election

material completed and then when ballots are coming in, there will be the ballot processing.

Trustee Whitehouse asked for clarification on what a TABOR ballot issue is.

Mr. March stated under the Constitution, a TABOR election is an election which revenues would be raised. With a TABOR election, notices are required to be send out prior to the election for individuals to have the opportunity to give their opinion relative to the pros and cons of the issue.

Trustee Whitehouse inquired if one of the reasons for going with a local election is that we would have some flexibility.

Mr. March stated there is a period in which any elector can submit a protest; that protest period extends into the first part of September.

Trustee Gaiter commented that this is a fairly important issue and would there be less voter turnout having multiple ballots going to voters.

Mr. March commented that that is a valid concern.

Trustee Whitehouse commented that he has seen language on ballots that mention this may not be the only ballot you will be receiving.

Ms. Eucker commented that communication will go out notifying citizens that they will be receiving a Town of Wellington Ballot. Also, voter turnout for the municipal elections in April were double if not triple what they have been in the past.

Mayor Pro Tem Knutson commented that this is a city issue and it should be on a city ballot.

Trustee Jerome commented that he feels it should be a town ballot.

Mayor Hamman opened the meeting up for public comment to which there was none.

Trustee Whitehouse moved to approve the Larimer County IGA to authorize the Town of Wellington to conduct an election as opposed to coordinating the election; Trustee Jerome seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

C. EXECUTIVE SESSION

1. Conferences with negotiators for the board as allowed pursuant to § 24-6-402(4) (e)(I), for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators relative to matters involving the Poudre R-1 School District and the construction of the new high school and development agreement(s) related to the new high school.

Trustee Jerome moved to go into executive session for conferences with negotiators for the

board as allowed pursuant to § 24-6-402(4) (e)(I), for the purpose of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators relative to matters involving the Poudre R-1 School District and the construction of the new high school and development agreement(s) related to the new high school; Trustee Gaiter seconded the motion. Roll call on the vote resulted as follows:

Yeas – Gaiter, Jerome, Kinney, Macdonald, Whitehouse, Knutson, Hamman

Nays – None

Motion carried.

As required by C.R.S. §24-6-402(2)(d.5)(II)(E) the executive session proceedings will electronically recorded and the record will be preserved for 90 days through November 9. 2020.

D. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:45 p.m.



Krystal Eucker, Town Clerk