

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB28

ORDINANCE NUMBER: 2021-28

TITLE: AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF BLACK HAWK AND GILPIN COUNTY REGARDING THE NOVEMBER 2, 2021 SPECIAL ELECTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The First Amendment to the Intergovernmental Agreement between the City of Black Hawk and Gilpin County regarding the City's November 2, 2021 Special Election, attached hereto as **Exhibit A**, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

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. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 22nd day of September, 2021.

ATTEST:


Melissa A. Greiner, CMC, City Clerk


David D. Spellman, Mayor



**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
FOR 2021 COORDINATED ELECTION**

WHEREAS, Gilpin County (the "County") by the Gilpin County Clerk and Recorder, hereinafter referred to as "County Clerk", and the City of Black Hawk (the "City") entered into an Intergovernmental Agreement for 2021 Coordinated Election, which was approved by Ordinance 2021-21, of the City of Black Hawk City Council (the "Agreement");

WHEREAS, since that time, the County Clerk and the City have adjusted their respective duties related to preparation for the election and, specifically, as to preparation and mailing of the ballot issue notice prior to the November 2, 2021, coordinated election; and

WHEREAS, for clarity, the County Clerk and the City wish to memorialize this adjustment by amendment to the Agreement.

NOW, THEREFORE, the County and the City (each a "Party" and collectively, the "Parties") agree to amend the Agreement as follows:

1. Section 4 of the Agreement is replaced to read as follows:

4. Ballot Issue Notices. The City certified the ballot content to the County Clerk by September 3, 2021, pursuant to C.R.S. § 1-5-203(3)(a). The ballot content was provided by the City to the County Clerk in Microsoft Word document format, attached in an e-mail to the County Clerk at elections@gilpincounty.org. The City shall prepare and mail the ballot issue notice required by law, and the City shall be solely responsible for the notice's preparation, accuracy, and the language contained therein. At least thirty (30) days before the election, the City shall mail the ballot issue notice to each address of active registered electors as required by law, but, in any case, not later than October 1, 2021, as required pursuant to Article X Section 20 (3) (b) of the Colorado Constitution.

2. All other terms and conditions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to be effective this

22 day of September, 2021.

GILPIN COUNTY

By: Sharon McCormick
Sharon McCormick
Gilpin County Clerk and Recorder
Date: 10/1/21

Linda Isenhardt
Linda Isenhardt, Chair
Board of County Commissioners
Date: 10/1/2021

Attest: Sharon McCormick

CITY OF BLACK HAWK

By: David D. Spellman
Name: David D. Spellman
Title: Mayor
Date: September 22, 2021

Attest: Melissa C. Smith

Exhibit A revised 9/16/21

Estimated Costs for City Election

November 2021

86 (Active) Voters x \$2.77 cost per voter = \$238.22

Cost estimates include set up fees, postage, printing, processing, election judges

Legal - Attorney's Fees = \$0 at this time additional legal fees may apply in the event of subsequent legal consultation on election matters, challenges, or CORA requests or other election matters related to Black Hawk's election.

Total: \$238.22