



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

Delta City Council
Regular Meeting

May 3, 2011
7:00 p.m.

- A. Pledge of Allegiance
- B. Changes to the Agenda
- C. Minutes
- D. Citizen Comments
- E. 3.2% Beer License Transfer of Ownership (Williams)
High Plains Pizza, Inc. DBA Pizza Hut #252
- F. Retail Liquor Store License Renewal: D & B Liquors (Williams)
- G. Intergovernmental Agreement with Delta County Clerk & Recorder
for July 12, 2011 Election (Williams)
- H. Mail Ballot Plan for July 12, 2011 Election (Williams)
- I. Purchase of Triantos Property for Confluence Drive Project (Hatheway)
- J. Proclamation – Older Americans Month
- K. City Attorney Comments
- L. City Manager Comments
- M. Councilmember Comments

EXECUTIVE SESSION

To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a), or more specifically, to discuss the purchase of right-of-way for the truck bypass (Confluence Drive) project; and for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Guy Pfalzgraff, Robert Jurca, Ed Sisson, and Bill Raley, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of April 5, 2011 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

John Thomas, Larry Alderman, and Pete McFerrin spoke in favor of allowing Medical Marijuana Dispensaries in the City of Delta.

Recognition of Joe Chavira and Greg Birely

Police Chief Robert Thomas presented the Delta Police Department's *Life Saving Award* to Delta Police Sgt. Joe Chavira and Detective Greg Birely.

Chief Thomas explained that Sgt. Chavira and Detective Birely were instrumental in saving the life of a heart attack victim on January 25, 2011 when they responded to a call at 841 Main Street.

Chamber of Commerce Event Coordinator

City Manager Kerby recalled the discussion with members of the Chamber of Commerce at the April 5th Council meeting. The discussion continued with the Chamber Board at a work session earlier in the evening. He explained that as of today, he has not been able to come up with a solution to either the Chamber's funding request or to an earlier request by the Police Department for funding for two additional police officers. He stated that funding is unlikely to be available for either request unless monies are transferred from Enterprise Fund balances.

He asked for additional direction from Council concerning the Chamber's request, as to whether or not Council supports the request, and if so, at what level. He noted that the Chamber request is currently at the \$30,000 level.

Council asked Manager Kerby to look into alternatives to come up with up to \$2,500 as seed money for the block party project.

Referendum Petition Statement of Sufficiency

The Acting City Clerk stated that a petition referring Ordinance #1, 2011 to a vote of the electors was submitted on March 10, 2011. The petition contained 1325 signatures. She explained that upon examining the signatures, she found 909 of them to be valid and 416 to be invalid. Since the number of valid signatures required was 489, she found that a sufficient number of valid signatures had been submitted.

The Clerk reported that since no protest was filed within the forty day protest period provided for in CRS 31-11-110 (by the end of business on April 19, 2011), a final determination of sufficiency may now be made.

Regular Meeting, Delta City Council, April 19, 2011 (Cont.)

Reconsideration of Ordinance #1, 2011; Prohibiting Establishment and Operation of Certain Medical Marijuana Businesses

The Clerk explained that according to CRS 31-11-105(3), if a referendum petition is filed, the ordinance does not take effect. Then, upon final determination of petition sufficiency, the Council must promptly reconsider the ordinance.

The next step, then, is reconsideration of the ordinance. Council can either confirm or repeal Ordinance #1, 2011.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to confirm Ordinance #1, 2011. Roll call vote: Councilmembers Pfalzgraff, aye; Jurca, aye; Sisson, aye; Raley, aye; and Cooper, aye. The motion carried, and Ordinance #1, 2011 was confirmed.

Resolution #2, 2011; Calling for a Special Municipal Election

Resolution #2, 2011

A RESOLUTION OF THE CITY OF DELTA, COLORADO
CALLING FOR A SPECIAL MUNICIPAL ELECTION;
AUTHORIZING SAID SPECIAL ELECTION TO BE CONDUCTED
BY MAIL BALLOT; AND FIXING THE BALLOT TITLE OF THE
REFERRED MEASURE

was read by the Clerk.

The Clerk stated that since Council has now confirmed Ordinance #1, 2011, staff recommends adoption of resolution #2, 2011, which will schedule the Special Election for July 12, 2011, authorize the election to be conducted by mail ballot, and fix the ballot title for the referred measure.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Resolution #2, 2011. Roll call vote: Councilmembers Pfalzgraff, aye; Jurca, aye; Sisson, aye; Raley, aye; and Cooper, aye. Motion carried.

Resolution #3, 2011; Extending the Moratorium on Review of Applications for Medical Marijuana Dispensaries

Resolution #3, 2011

A RESOLUTION OF THE CITY OF DELTA, COLORADO,
EXTENDING THE MORATORIUM ON THE REVIEW OF
APPLICATIONS FOR MEDICAL MARIJUANA DISPENSARIES
WITHIN THE CITY OF DELTA PENDING THE OUTCOME OF A
REFERENDUM ELECTION SCHEDULED FOR JULY 12, 2011

was read by the Clerk.

Manager Kerby stated that staff recommends adoption of this resolution which will extend the moratorium on the review of applications for medical marijuana dispensaries for six months. He explained that the current moratorium, which expires on May 3, 2011, was extended by Ordinance #1, 2011. Since that ordinance will not take effect until and unless a majority of the voters approve it at the July 12th election, it is necessary to extend the moratorium by resolution. The City Attorney has advised extending it for another six months in order to allow for the adoption of necessary regulations should the voters decide against Ordinance #1, 2011.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Resolution #3, 2011. Roll call vote: Councilmembers Pfalzgraff, aye; Jurca, aye; Sisson, aye; Raley, aye; and Cooper, aye.

Purchase Contract for Oest Trust Property

Brad Rodenberg, the City's Property Acquisition Consultant for the Confluence Drive Project, reported that the City needs a portion of this parcel at the southeast corner of Silver and Third Street for the project. The property owners have acquired the parcel, which is essentially unbuildable, through a tax sale. They have offered the entire parcel to the City for \$3,500.

Regular Meeting, Delta City Council, April 19, 2011 (Cont.)

Purchase Contract for Oest Trust Property (Cont.)

City Attorney Schottelkotte noted that even though this property acquisition falls within the dollar amount authorized by Council to be handled administratively, the contract itself contains a provision requiring Council approval. Thus, it is being presented for action by Council.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the purchase contract for the Oest Trust property as presented. All in favor, motion carried.

3.2% Beer License Renewal Application: North Delta Market

The Clerk reported that a renewal application has been submitted for the North Delta Market's 3.2% beer license. The application is complete and the required fees have been paid. The Police Department reported no liquor code violations during the past year and recommended approval of the renewal.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to approve the 3.2% beer license renewal for the North Delta Market. All in favor, motion carried.

Arbor Day Proclamation

The Mayor read a proclamation naming April 29, 2011 as Arbor Day.

City Attorney Comments

City Attorney Schottelkotte reported on the Simmons appeal.

The City Attorney stated that a conflict of interest issue which has already been raised relative to the truck route project has come up again. It has to do with Mayor Cooper's "in-law" relationship with members of the Triantos family who own real property impacted by the project. (Mayor Cooper's daughter is married to David Triantos.) The issue surfaced again in the context of the Relocation Assistance Policies recently adopted by Council and implemented by staff.

Attorney Schottelkotte first reiterated his previous opinion that, under Colorado law, no conflict of interest exists for the Mayor relative to the City's acquisition of property for the project from the Triantos Family Trust. He went on to explain that neither did a conflict of interest exist when the Mayor voted on adopting the Relocation Assistance Policies. These policies will be applied to the relocation of Triantos family members in the same manner as they will be applied to others affected by the project.

The City Attorney explained that the Mayor will receive no personal benefit from any payouts made under the policies, and the fact that her fully emancipated adult daughter may receive some incidental benefit from a payout to David Triantos creates no ethical conflict under existing legal definitions.

City Manager Comments

The City Manager stated that he would like clarification on two matters with regard to the truck route project. First, his understanding was that with the adoption of the Relocation Assistance Policies, as long as staff operated within the boundaries of the policies, there is no need to bring individual relocation payments to Council for approval.

The second matter involves contracts for small amounts, such as the one for \$3,500 approved by Council earlier in the evening. Council has authorized staff to approve purchases under a certain amount without having to bring them to Council. However, as the City Attorney indicated, the contract form itself contains a clause which indicates that the contract is not valid if it's not approved by the City Council.

The City Manager asked for guidance from Council concerning both matters. Council agreed that Council and staff should continue to follow the adopted policies.

The City Manager continued his comments on the following items:

- An Easter Egg Hunt will be held at the Rec Center this Saturday.
- The locker rooms and pool are closed this week for maintenance.

Regular Meeting, Delta City Council, April 19, 2011 (Cont.)

City Manager Comments (Cont.)

- The pond liner project at the golf course is 90% complete and should be done by the end of the week.
- The new food and beverage service at Devil's Thumb is up and running.
- The Delta High School Senior Class has requested a donation for their annual Grad Night celebration. Council authorized a donation of \$300.
- Mr. Kerby reminded Council of the Downtown Assessment Meeting at 6:00 p.m. on April 20 at the Rec Center.
- Business After Hours is scheduled for 5:30 p.m. on April 27 at the Elks Lodge.
- On May 11, Reeves Brown, the new director of the Department of Local Affairs will visit Delta, touring the truck route project and speaking at the Municipal Quarterly meeting.
- The City Manager reported on the public hearing held recently by the County Commissioners regarding the Tri-State transmission line.
- The Colorado Municipal League will hold their spring out-reach meeting in Montrose on May 18, 2011.

Councilmember Comments

Councilmember Jurca mentioned that he was the one who had raised a question concerning the Triantos relocation payment. He thanked the City Attorney for his explanation.

Councilmember Sisson reported participating in the recent 5K at the Recreation Center.

The meeting was adjourned at 8:15 p.m.

Mary Lynn Williams, CMC, City Clerk



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

MEMO

To: City Council, City Manager
From: Mary Lynn Williams, City Clerk
Date: April 29, 2011
Subject: Retail Liquor Store License Renewal for D&B Liquors

Recommendation

Staff recommends approval of a retail liquor store license renewal for D&B Liquors located at 201 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires May 14, 2011. Current owners of D&B Liquor, Inc. – Charles and Pamela Johse – bought the business from Arthur and Robin Markman in 2003.

Cost

There is no cost to the City to renew this license. The applicant has paid the \$327.50 renewal fee to the State and the City renewal fee of \$97.50. The City liquor occupation tax of \$300.00 will be collected after the renewal has been issued by the State. (The State fee includes \$100 for a storage permit at 202 Main Street, Unit D.)

Action to be Taken if Approved

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

Suggested Motion

I move to approve the retail liquor store license renewal for D&B Liquors.

MEMO

To: Police Chief Robert Thomas
From: Acting City Clerk Lynn Williams
Date: April 13, 2011
Subject: Transfer of Ownership for Pizza Hut of Delta 3.2% Beer License

Attached are Individual History forms for Greg K, Colvin, Michael L. Colvin, William Ken Colvin and Amy E. Hinkle. These four individuals are officers of High Plains Pizza, Inc. which has applied for a Transfer of Ownership for the 3.2% Beer License at Pizza Hut #252 located at 1252 S. Main Street.

Please do a background investigation so that we can schedule the application for Council's consideration on May 3, 2011.

Thank you for your help.

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); Yes No
 (a) been denied an alcohol beverage license?
 (b) had an alcohol beverage license suspended or revoked?
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a 3.2 beer license for the premises to be licensed been denied within the preceding one year? If "yes," explain in detail. Yes No

9. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee. Yes No

10. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises for at least 1 year from the date that this license will be issued by virtue of ownership, lease or other arrangement? Yes No
 Ownership Lease Other (Explain in Detail) _____

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord <u>George Demos</u>	Tenant <u>High Plains Pizza, Inc</u>	Expires <u>12-31-2015</u>
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Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

11. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Name	Date of Birth	FEIN or SSN	Interest
<u>Commerce Bank</u>			<u>Banking/Loan</u>

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

12. Name of Manager for all on and on/off applicants. Pamela Flores Date of Birth 2-6-61

13. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

14. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes No
 If yes, provide an explanation and include copies of any payment agreements.

15. If applicant is a corporation, partnership, association or a limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-1 (Individual History Record), and submit finger print cards to their local licensing authority.

Name	Home Address, City & State	Date of Birth	Position	% Owned*
<i>Please See Attached</i>				

* If total ownership percentage disclosed here does not total 100%, applicant must check this box
Applicant affirms that no individual, other than those disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION** Cert. of Incorporation Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
- PARTNERSHIP** Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
- LIMITED LIABILITY COMPANY** Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
- ASSOCIATION OR OTHER** Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable): *CT Corporation* Address for Service: *PO Box 4349 Carol Stream IL 60197-4349*

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature: *Amey Hurdle* Title: *Vice President of Finance* Date: *4-7-11*

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority: _____ Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.: _____

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-1 (Individual History Record) has:
- Been fingerprinted Yes No
 - Been subject to background investigation, including NCIC/CCIC check for outstanding warrants Yes No

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license Yes No

- (Check One)
- Date of Inspection or Anticipated Date _____
 - Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY
		<input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

OFFICERS AND DIRECTORS OF
HIGH PLAINS PIZZA, INC.
dba: PIZZA HUT
AS OF December 31, 2009

Name	Birthdate/ Formation	Position	Address and Phone #	# Years	Ownership Percent			Convicted of Felony	Convicted Of Violation
					Total	Voting	Non-Voting		
William K Colvin Marital GST Trust 48-6360179	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	9.5%	8.5%	10.6%	NO	NO
Kevin Colvin Gift Trust 48-6360067	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Kayla Colvin Gift Trust 48-6360066	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Brandi Colvin Gift Trust 48-6360085	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Michael Alex Colvin Gift Trust 48-6360086	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Brett Colvin Gift Trust 48-6360069	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Corey Colvin Gift Trust 48-6360068	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Geoffrey Colvin Gift Trust 48-6360071	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Alyssa Colvin Gift Trust 48-6360070	01/01/99	N/A	P.O. Box 2438 Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Joshua Edward Kohler Gift Trust 48-6375560	04/01/01	N/A	7 West Parkway Blvd. Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Brionna Faith Colvin Gift Trust 48-6375589	04/01/01	N/A	7 West Parkway Blvd Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Austin Gregory Colvin Gift Trust 75-6645411	03/01/02	N/A	7 West Parkway Blvd. Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Matthew Lee Colvin Gift Trust 20-6428317	10/01/04	N/A	7 West Parkway Blvd. Liberal, KS (620)624-5638	10	2.6%	4.1%	1.1%	NO	NO
Colvin, W. Kent SS# 514-58-9715	04/04/55	President Director	1641 N. Cain Liberal, KS (620)624-5512	39	19.6%	14.3%	25.6%	NO	NO
Colvin, Michael SS# 514-58-9747	02/04/58	Secretary Director	2441 Zinnia Liberal, KS (620)624-8045	35	19.6%	14.3%	25.6%	NO	NO
Colvin, Greg SS# 514-58-9701	02/10/62	Treasurer Director	82 Elk Drive Great Falls, MT (406)452-1978	33	19.6%	14.3%	25.6%	NO	NO
Hinkle, Amy SS# 513-82-8213	07/15/66	VP Finance	320 Sunflower Liberal, KS (620)626-8744	11	0.0%	0.0%	0.0%	NO	NO
Mobley, Elizabeth SS# 510-52-5960	04/20/47	Asst. Sec./ Treas.	318 W. 6th Liberal, KS (620)624-1930	19	0.0%	0.0%	0.0%	NO	NO



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of D & B Liquors
DBA: _____

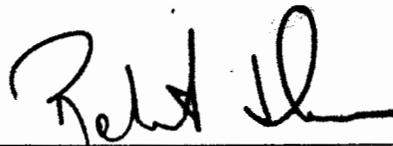
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



D&B LIQUORS INC
 D&B LIQUORS
 201 MAIN ST
 DELTA CO 81416-1814

License Number 12-36024-0000	License Type 1940
Liability Information 18 011 445310 C 051597	
Business Location 201 MAIN ST DELTA CO	
Current License Expires MAY 14, 2011	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.		
Authorized Signature <i>Charles K. Johnson</i>	Date 4-12-11	Business Phone 874-7280
Title V Pres - Sec Treasurer	Sales Tax Number 12-36024-0000	
REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.		
Local Licensing Authority for		Date
Signature	Title	Attest

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

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Business Name D&B LIQUORS	LICENSE NUMBER (Use for all reference) 12-36024-0000		PERIOD 05-12
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999)	STATE FEE 1940-750(999)	CITY 85% OAP 2180-100(999)
	\$ 50.00	\$ 50.00	\$ 127.50

SUB-TOTAL \$ 227.50
 ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ 100.00
TOTAL AMOUNT DUE \$ 327.50

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment D&B LIQUORS		State License Number 12-36024	
1. Operating Manager Keith Johse		Home Address 8689 2100 Rd Austin Co 81410	
		Date of Birth 8-19-58	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: _____ If rented, expiration date of lease: _____			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:			
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:			
EVIDENCE OF LAWFUL PRESENCE			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input checked="" type="checkbox"/> I am a United States Citizen			
<input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States			
<input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law			
<input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature Charles Keith Johse		Printed name Charles Keith Johse	
		Date 4-11-11	



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

MEMO

To: City Council, City Manager
From: Mary Lynn Williams, City Clerk
Date: April 29, 2011
Subject: Intergovernmental Agreement for July 12th Mail Ballot Election

Recommendation

Staff recommends that City Council authorize the City Clerk to sign the Intergovernmental Agreement with the Delta County Clerk and Recorder for the July 12th election.

Background

At the last meeting, Council adopted Resolution #2, 2011 authorizing us to conduct the July 12th special election by mail ballot. The intergovernmental agreement with Delta County for the conduct of the election is now being presented for approval. The attached agreement is essentially the same as that which was used for the regular election in April of 2010.

Cost

The last page of the document shows the estimated costs associated with the election.

Action to be Taken if Approved

The City Clerk and the County Clerk and Recorder will sign the agreement, and preparations for the election will proceed.

Suggested Motion

I move to authorize the City Clerk to execute the Intergovernmental Agreement with the Delta County Clerk and Recorder for the July 12, 2011 mail ballot election.

INTERGOVERNMENTAL AGREEMENT
DELTA COUNTY and CITY OF DELTA

This Intergovernmental Agreement between Delta County, acting through its Clerk and Recorder ("Clerk"), and the City of Delta ("City"), acting through its City Clerk ("City Clerk"), is authorized by 29-1-201, *et seq.*, C.R.S.

1. PURPOSE: Pursuant to the terms of this Agreement, the Clerk and the City agree to the scheduling and conducting of a mail ballot municipal election on July 12, 2011. For all purposes of this Agreement, the Clerk shall be the 'clerk' as defined in 31-10-102, C.R.S. The City hereby designates its City Clerk as an "Election Official" who shall have primary responsibility for election procedures that are the responsibility of the City pursuant to this Agreement. The election shall be held under the provisions of the Municipal Election Code (Title 31, Article 10 of the Colorado Revised Statutes) except as otherwise required by the Mail Ballot Act, 1-7.5-101, *et. seq.*, C.R.S., or the rules promulgated by the Secretary of State.

2. DELEGATION OF AUTHORITY: The City Council has determined that the July 12, 2011 election shall be by mail ballot. Pursuant to 1-7.5-104, C.R.S., the City Clerk, as the designated election official, hereby delegates and transfers to the Clerk all such power, authority and duties which reside in the City Clerk for these purposes. The responsibilities of the Clerk shall be as described on Exhibit "City of Delta Mail Ballot Election, July 12, 2011 Estimated Cost."

3. PRECINCTS & POLLING PLACE LOCATIONS: Precincts shall be as established by Chapter 2.68 of the Delta City Code. Polling place locations for the deposit of voted ballots not returned through the United States Postal Service will be those designated by the Clerk as follows: Delta County Clerk & Recorder's Office, 501 Palmer, Suite 211, Delta, CO 81416.

4. APPOINTMENT OF ELECTION JUDGES: All election judges and/or deputy clerks shall be appointed and trained by the Clerk, except as otherwise required by the City Charter or the Municipal Election Code.

5. LEGAL NOTICES: Publication of any required legal notices concerning the City's mail ballot election, which are to be published prior to certification of the ballot content to the Clerk, shall be the responsibility of the City. A copy of the published legal notice shall be submitted to the Clerk for her records.

Publication of notices required by the Municipal Election Code and/or the Mail Ballot Election Act, which are to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the City. Additional notices shall be the responsibility of the City. Notice to the Secretary of State, pursuant to 1-7.5-105, C.R.S. shall be made by the Clerk, along with notice of the proposed plan.

6. RECEIVING AND PROCESSING OF PETITIONS: Any necessary petition process for the City shall be the responsibility of the City. The Clerk shall provide voter registration lists as required and requested by the City Clerk.

7. COLORADO POLITICAL FINANCE/FAIR CAMPAIGN PRACTICES ACT: The City Clerk shall administer compliance with the Colorado Political Finance/Fair Campaign Practices Act (CPF/FCPA).
8. BALLOT CONTENTS: Ballot contents must be certified to the Clerk by the City Clerk, in its exact form, as soon as practical. The ballot contents must be delivered to the Clerk at 501 Palmer, Suite 211, Delta, Colorado. It is understood that the Mail Ballot Election Act requires the mailing of ballots between the 22nd and 18th day prior to the election, except that ballots for the absent uniformed services elector serving outside the United States shall be mailed not later than forty five days before the election if the elector has applied for a mail-in ballot or has been placed on the permanent mail-in voter list.
9. TABOR NOTICES: The City Clerk shall provide TABOR notice to the Clerk if required by law. In which event, the Clerk shall be responsible for copying and mailing TABOR notices in accordance with the Colorado Constitution Article X Section 20
10. PREPARATION FOR ELECTION: The Clerk shall be responsible for preparing and printing the ballot packages for the Municipal Election. Print on the ballot pages shall be in 10 point type or larger and shall be in accordance with the Municipal Election Code. The Clerk shall also be responsible for providing, preparing, delivering and collecting sealed ballot boxes for the designated depository location and the mailing of mail ballot packages. The Clerk shall be responsible for implementing a walk-in balloting site in accordance with of the Rules and Regulations of the Secretary of State. The Clerk shall be responsible for testing voting equipment.
11. CONDUCT OF ELECTION: The Clerk shall be responsible for the conduct of the Municipal Election, pursuant to Title 31, Article 10 of the Colorado Revised Statutes, including the appointment of judges and watchers.
12. ABSENTEE VOTING: All requests for absentee ballots shall be transmitted for processing and ballot distribution to the Delta County Clerk & Recorder, 501 Palmer, Suite 211, Delta, CO 81416. The Clerk shall, upon receipt of such request, mail a ballot package to the eligible elector in accordance with 1-7.5-104, C.R.S.
13. TABULATION OF BALLOTS: All processes relating to tabulation of ballots shall be the responsibility of the Clerk. An unofficial abstract of votes will be provided to the City Clerk upon completion of the counting of all ballots.
14. CANVASS OF VOTES: The canvass of votes will be the responsibility of the City, pursuant to CRS 31-10-1201 and shall be completed no later than July 19, 2011. The City shall issue its certificate(s) of election results upon receipt of the official results from the Clerk.
15. ALLOCATION OF COST OF ELECTION: The City shall reimburse the Clerk for the election costs incurred by the Clerk pursuant to this Agreement. Such reimbursement shall be made to the Clerk within thirty days of the City's receipt of billing from the Clerk. The Clerk's determination regarding such costs shall be final and at her sole discretion and shall not be subject to dispute unless clearly unreasonable.
16. INDEMNIFICATION: The City agrees to indemnify, defend and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions,

errors or omissions of the City in completing the City's responsibilities relating to the July 12, 2011 election.

17. AGREEMENT NOT EXCLUSIVE: The Clerk may enter into other substantially similar agreements with other municipalities for conduct of other elections.

18. VENUE: Venue for any dispute hereunder shall be in the District Court of Delta County.

THIS AGREEMENT has been executed by the parties hereto as of the dates and year written below.

DELTA COUNTY CLERK AND RECORDER CITY OF DELTA, COLORADO

Ann B. Eddins

Mary Lynn Williams, City Clerk

Date: _____

Date: _____

**City of Delta Mail Ballot Election
July 12, 2011
Estimated Cost**

	ACTIVITY	SUB-TOTAL	TOTAL
	Preliminary list of registered voters for checking signatures		\$ 0
	Program Ballots and Print Ballots with Boss & Ballot Now Ballot Paper Toner Outgoing, return envelopes, Secrecy sleeve Labels Assemble ballot packets	\$ 75.00 \$ 514.00 \$ 200.00 \$3126.54 \$ 30.40 \$ 600.00	\$4545.94
	Postage for mail ballots Postage for undeliverable ballots Receive return ballots, log in and process	\$566.40 \$100.00 \$475.00	\$1141.40
	Logic and Accuracy Testing Counting Judges	\$ 25.00 \$850.00	\$875.00
	Total Due:		\$6562.34



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

MEMO

To: City Council, City Manager
From: Mary Lynn Williams, City Clerk
Date: April 29, 2011
Subject: Mail Ballot Plan

Background

At your last meeting, Council adopted Resolution #2, 2011, authorizing us to conduct the July 12th special election by mail ballot. CRS Title 1, Article 7.5, the statute governing Colorado mail ballot elections, requires us to submit a Mail Ballot Plan to the Secretary of State. The Secretary of State's Rules require the plan to first be submitted to the local legislative authority for review. Thus, Council is not required to approve the plan, only to review it.

The plan must be submitted to the Secretary of State 55 days prior to the election, or May 18, 2011.

No action by Council is necessary.

MAIL BALLOT PLAN

COORDINATED OR OTHER NON-PARTISAN ELECTIONS

COLORADO SECRETARY OF STATE
1700 BROADWAY, SUITE 200
DENVER, COLORADO 80290
PHONE: 303-894-2200
FAX: 303-869-4861

INTRODUCTION

Pursuant to section 1-7.5-105 of the Colorado Revised Statutes and the Colorado Secretary of State's Election Rule 12, the designated election official responsible for conducting a mail ballot election must submit a written mail ballot plan to the Secretary of State.

This mail ballot plan must be submitted at least sixty-five (65) days prior to a regular special district election and no later than fifty-five (55) days prior to any other coordinated or non-partisan election. Additionally, a special district may request a seven (7) day filing extension if the mail ballot plan is for a regular special district election that may be cancelled. Please see Election Rule 12.4.1 for more information.

The following standard fillable form is designed to aid you in your completion and submission of the required mail ballot plan. This form may be completed online and then saved to your computer. Once you have saved the form to your computer, you will be able to submit the entire plan to the Secretary of State's office via email, regular mail, or fax. Please refer to the instruction section below for more complete guidance.

NOTE: Pursuant to section 1-7.5-104, C.R.S., a mail ballot election cannot be held for elections or recall elections that involve partisan candidates or elections held in conjunction with, or on the same day as, a congressional vacancy election.

INSTRUCTIONS

(Please read this section **COMPLETELY**. Failure to do so may result in undue delay in the approval of your plan.)

Spaces and check boxes are provided below for each required aspect of the mail ballot plan. Please fill out the form in its entirety, making sure to check all boxes where applicable. Additional pages may be attached to the end of the mail ballot plan if necessary.

Election Rule 12.4.1 requires the submission of a sample secrecy sleeve or envelope and a written timetable. A copy of the Secretary of State approved secrecy sleeve is included at the end of this form. Please review the secrecy sleeve and indicate your usage of the approved sleeve by checking the box associated with the secrecy sleeve (Item "21." of the mail ballot plan). Additionally, a written timetable is provided at the end of this fillable form. Please fill in the date column of the timetable to indicate the date or range of dates for each required occurrence.

When you have checked each applicable box and supplied all required information, please save the form to your computer. Once the form is saved, you may choose your method of submittal (email, regular mail, or fax). The Secretary of State's office requests that you email your plan as an attachment to state.electiondivision@sos.state.co.us.

Please feel free to contact Michael Hagihara via phone at 303-894-2200 ext. 6331 or via email at michael.hagihara@sos.state.co.us with any questions you may have.

ATTENTION HOME RULE MUNICIPALITIES

The Secretary of State will not review the mail ballot plan of any home rule municipality that fails to read and affirm the following declaration. Please indicate your affirmation by checking the box.

- Although I am submitting this plan on behalf of a home rule municipality, this mail ballot election will be conducted in accordance with state law. As such, this plan does not contain any locally-adopted election procedures that differ from the state procedures set forth in the Colorado Mail Ballot Election Act (§§ 1-7.5-101 through 1-7.5-111, C.R.S.) or in Election Rule 12.

Name of person submitting plan: MARY LYNN WILLIAMS

Address: 360 Main Street, Delta, CO 81416

Political Subdivision: City of Delta

Email: lynn@cityofdelta.net

- a. **Date of the election:** July 12, 2011
- b. **Type and name of the jurisdiction(s) involved in the election** (Example: county, municipality, special district, school district, etc.): Municipality - City of Delta
- c. **Description of the type of election to be conducted** (Example: coordinated election, recall election, special election, etc.): Special Election
- d. **Citation of the statute or home rule charter provisions authorizing the election:** [§1-7.5-105, C.R.S.] (please add any additional statutes authorizing the mail ballot election for the jurisdictions involved)
- e. **Estimated number of eligible electors:** 4909 Eligible Voters - 3193 voters are active

- Between twenty-two (22) and eighteen (18) days before the election, the designated election official will mail to each active registered elector a mail ballot packet. [§1-7.5-107(3), C.R.S.]
- No later than 30 days prior to the election the designated election official will send a mail ballot packet to each active registered **UOCAVA** elector. [§1-8-103.5, C.R.S.]

f. **Name of the designated election official who will be responsible for all aspects of the election:** [Rule 12.4.1]
Mary Lynn Williams, Acting City Clerk

g. **If the election is NOT being conducted by the County Clerk & Recorder, an indication of whether the County Clerk and Recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute** (Please check the appropriate box): [Rule 12.4.1]

Yes, the County Clerk and Recorder will assist in the election for the entity other than by providing a list of registered electors and other information required by statute. (If yes, please read the following statement regarding use of county voting systems, check the corresponding box if applicable, and provide the requested information.)

The County Clerk and Recorder will assist in the election for the entity by providing voting systems to be used by the entity during the election. The make and model number of the voting systems to be used is as follows:

Make(s):

Model Number(s):

No, the County Clerk and Recorder will not assist in the Election for the entity other than by providing a list of registered electors and other information required by statute.

h. The address and hours of operation for all “drop-off locations.” Note: For security reasons, unmonitored freestanding drop-off locations located out-of-doors are not allowed: [Rule 12.4.1]

1 # of drop-off locations

In the space below please provide the address and hours of operation for each drop-off location (attach additional pages if necessary):

Delta County Clerk and Recorders Office
501 Palmer St. Ste 211
Delta Co. 81416
8:30 a.m. - 4:30 p.m. Monday - Friday
7:00 a.m. - 7:00 p.m. Election Day

Please check one of the boxes below:

All drop-off locations and any walk-in voting locations will be located within the political subdivision.

At least one or all drop-off locations will be located outside of the county, municipality, or special district. Such drop-off locations are within reasonable proximity to the political subdivision or the majority of electors. The reasons for requesting permission from the Secretary of State for such drop-off locations are as follows:

i. For elections coordinated by the County Clerk and Recorder, the total number of walk-in voting locations, and the location and hours of operation for each walk-in voting location: [Rule 12.4.1]

1 # of walk-in voting locations

In the space below please provide the address for each walk-in location:
Delta County Clerk and Recorders Office
501 Palmer St. Ste 211
Delta Co. 81416

All walk-in voting locations will be open during normal business hours from: [§1-7.5-107(3)(c), C.R.S.]

Dates: to
Hours: 8:30 to 4:30

Example:

Dates: April 12, 2010 to May 4, 2010
Hours: 8:00 a.m. to 5:00 p.m.

- Walk-in voting locations will not be utilized because this election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.

j. Number of accessible voting machines anticipated being used for walk-in voting locations in elections coordinated by the County Clerk and Recorder: [§1-5-705, C.R.S.]

N/A # of accessible voting machines

- The use of accessible voting machines is not applicable because the election will not be coordinated by the County Clerk and Recorder.

k. Length of time accessible voting machines will be available for walk-in voting in elections coordinated by the County Clerk and Recorder: (Please include the dates and hours of operation.)

Example: April 12, 2010 through May 3, 2010, 8:00 a.m. to 5:00 p.m., Monday through Friday; and 7:00 am to 7:00 pm. on May 4th.

N/A

- The use of accessible voting machines is not applicable because the election will not be coordinated by the County Clerk and Recorder.

l. Please complete the written timetable near the end of this form. You must provide a date or a range of dates for each occurrence listed in the left-hand column of the timetable.

m. Indication of how postage will be handled for ballot packets returned as undeliverable (Please read and indicate your compliance by checking the box):

- As the designated election official, I hereby affirm that ballot packets will be marked “**DO NOT FORWARD. RETURN SERVICE REQUESTED,**” “**RETURN POSTAGE GUARANTEED,**” or any other similar language that is in accordance with United States Postal Service regulations. [§1-7.5-107(3)(a), C.R.S.]

n. Indication of procedures to be followed to ensure compliance with statutes and rules, including persons responsible for each stage (Please read and indicate your compliance by checking each box):

- As the designated election official, I hereby affirm that I have read and understand Article 7.5 of Title 1, C.R.S. and Secretary of State Election Rule 12 and that appropriate measures and procedures will be undertaken to ensure compliance with these statutes and rules.

- If the designated election official is not the person responsible for such compliance, please check the box and indicate the person responsible:

Individual responsible for compliance: Ann B. Eddins Delta County Clerk and Recorder.

The designated election official will supervise the distributing, handling, counting of ballots and the survey of returns in accordance with rules promulgated by the Secretary of State and will take the necessary steps to protect the confidentiality of the ballots cast and the integrity of the election. [§1-7.5-105(3), C.R.S.]

If the designated election official is not the person responsible for such compliance, please check the box and indicate the person responsible:

Individual responsible for compliance: Ann B. Eddins Delta County Clerk and Recorder.

The Postmaster or local postal representative has been notified of the election and provided with the design of the ballot packet to ensure that postal standards are met:

A ballot packet has been subject to a "Tap Test" by a local postal representative to ensure that all relevant mailing information is visible through the envelope window.

At least one ballot packet has been submitted to the local postal representative to ensure that the ballot packet has been printed correctly.

For elections where multiple ballots will be included in the same packet or will be sent in separate packets, the ballots and return envelopes shall include distinctive markings or colors to identify political subdivisions when the colors or distinctive markings will aid in the distribution and tabulation of the ballots. [Rule 12.5.2]

Not applicable for the following reason(s) (Please check all that apply):

This election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.

This election will be conducted with the use of one ballot containing all candidates and ballot issues for the coordinating jurisdictions.

For all coordinated elections where more than one mail ballot is being mailed or polling place elections are being held as well as the mail ballot election, the outgoing envelope as well as the instructions or other notice shall have the following notice: "This may not be your only ballot. Other elections may be held by other political subdivisions by mail or by polling place." [Rule 12.5.5.]

All deposited ballots will be counted as provided in Article 7.5 of Title 1, C.R.S. and by rules promulgated by the Secretary of State. A mail ballot will be valid and counted only if it is returned in the return envelope, the self-affirmation on the return envelope is signed and completed by the eligible elector to whom the ballot was issued, and the information on the return envelope is verified. [§1-7.5-107(6), C.R.S.]

If the election official determines that an eligible elector to whom a replacement ballot has been issued has voted more than once, the first ballot returned by the elector will be considered the elector's official ballot. [§1-7.5-107(6), C.R.S.]

o. Description of procedures to be used to ensure ballot security at all stages of the process (Please read and indicate your compliance by checking each box):

- The ballot or ballot label will contain the following warning: [§1-7.5-107(3)(b), C.R.S.]

“WARNING:

Any person who, by use of force or other means, unduly influences an eligible elector to vote in any particular manner or to refrain from voting, or who falsely makes, alters, forges, or counterfeits any mail ballot before or after it has been cast, or who destroys, defaces, mutilates, or tampers with a ballot is subject, upon conviction, to imprisonment, or to a fine, or both.”

- The return envelope will have printed on it a self-affirmation substantially in the following form: [§1-7.5-107(3)(b.5)]

“I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot; and that my ballot is enclosed in accord with the provisions of the “Uniform Election Code of 1992.”

Date: _____ Signature of Voter: _____.

- When not being processed, ballot packets will be placed in a safe, secure area under the supervision of the designated election official, election judge, or person designated by the designated election official.

- A replacement ballot may be requested if the ballot was destroyed, spoiled, lost, or not received by the elector. The elector requesting the replacement ballot must complete a sworn statement in compliance with section 1-7.5-107(3)(d)(I), C.R.S. The form may be mailed to an elector along with their mail ballot packet, however, it must be returned to the election official on or before election day. [§1-7.5-107(3)(d), C.R.S.]

- Ballots will not be left unattended while being processed. After processing is complete, ballots will be placed in a safe and secure area. Access to the secure area shall be determined by the County Clerk and Recorder or designated election official.

p. Description of procedures for maintaining privacy and security of accessible voting machines to be used in an election coordinated by the County Clerk and Recorder (If this section does not apply to you, please check the box marked “Not applicable and then indicate the reason(s) why this section does not apply to you):

- At the voter’s request, the election judge will instruct the voter on the use of the accessible machine. [Rule 9]
- Each accessible voting device will be positioned as to protect each voter’s privacy while voting. [Rule 12.12.3]
- For elections coordinated by the County Clerk and Recorder, a security plan will be submitted in accordance with Rule 43 in addition to the mail ballot plan, if such security plan has not already been received by the Secretary of State. [Rule 43]
- In an election coordinated by the County Clerk and Recorder, if a voter surrenders a mail ballot to the designated election official and votes in-person on an accessible device provided for the election, the accessible device will be subject to the privacy, security and accuracy standards set forth in the Election Rules and Title 1, C.R.S. [Rule 12.12]
- Not applicable for the following reason(s) (Please check all that apply):

- This election is being conducted as an independent mail ballot election that is not coordinated with the County Clerk and Recorder.
- This election will be conducted with the use of paper ballots; no voting machines will be involved in this election.

q. Description of procedures to be used for signature verification (Please read and indicate your compliance by checking each box. If this section does not apply to you, please check the box marked “Not applicable”.): [§1-7.5-107.3, C.R.S.]

- Not applicable** as this election is being conducted as an independent mail ballot election that is not coordinated with or conducted by the County Clerk and Recorder.
- An election judge will compare the signature on the self-affirmation on each return envelope with the signature of the eligible elector stored in the statewide voter registration system.
- If, upon comparing the signature on the self-affirmation on the return envelope with the signature of the eligible elector stored in the statewide voter registration system, the election judge determines that the signatures do not match, two other election judges of different political party affiliations will simultaneously compare the signatures.
- If both other election judges agree that the signatures do not match, the County Clerk and Recorder will, within three (3) days after the signature deficiency has been confirmed, but in no event later than two (2) days after the election day, send a letter to the eligible elector explaining the discrepancy in signatures and a form for the eligible elector to confirm that the elector returned a ballot to the County Clerk and Recorder.
- If the County Clerk and Recorder receives the form within eight (8) days after the election confirming that the elector returned a ballot to the County Clerk and Recorder and enclosing a copy of the elector’s identification, and if the ballot is otherwise valid, the ballot will be counted.
- If the eligible elector returns the form indicating that the elector did not return a ballot to the County Clerk and Recorder, or if the eligible elector does not return the form within eight (8) days after election day, the self-affirmation on the return envelope will be categorized as incorrect, the ballot will not be counted, and the County Clerk and Recorder will send copies of the eligible elector’s signature on the return envelope and the signature stored in the statewide voter registration system to the District Attorney for investigation.
- An original return envelope with an enclosed secrecy envelope containing a voted ballot that is not counted due to a discrepancy in signatures in accordance with the above procedures will be stored under seal in the office of the County Clerk and Recorder in a secure location separate from valid return envelopes and may be removed only under the authority of the District Attorney or by order of a court having jurisdiction.
- In the case of a disagreement among the election judges as to whether the signature of an eligible elector on the self-affirmation on the return envelope matches the signature of the eligible elector stored in the statewide voter registration system, the mail ballot will be counted in the same manner as ballots received in valid, verified return envelopes.
- An election judge will not determine that the signature of an eligible elector on the self-affirmation does not match the signature of that eligible elector stored in the statewide voter

registration system solely on the basis of substitution of initials or use of a common nickname.

r. Description of Procedures to be used for ballots returned by electors who have not previously voted in Colorado and have failed to include proper proof of identification: [§ 1-7.5-107(3.5)(d), C.R.S.]

Upon receipt of a mail ballot, from an elector who has not previously voted in Colorado, which does not contain a proper form of identification as required under section 1-7.5-107(3.5)(b), C.R.S., the designated election official will, within three (3) days after receipt of the mail ballot, but in no event later than two (2) days after election day, send to the eligible elector a letter explaining the lack of compliance with section 1-7.5-107(3.5)(b), C.R.S.

If the designated election official receives a copy of identification in compliance with section 1-7.5-107(3.5)(b), C.R.S. within eight (8) days after election day, and if the mail ballot is otherwise valid, the mail ballot will be counted.

s. Description of procedures to ensure privacy by use of a secrecy sleeve or secrecy envelope so receiving judges cannot tell how the elector voted (Please read and indicate your compliance by checking the box):

To protect the voter's privacy, a secrecy sleeve or envelope will be included in the mail ballot package. [§1-7.5-106(1), C.R.S.]

t. Description of procedures to be used to reconcile ballots issued, ballots received, defective ballots and substitute ballots (Please read and indicate your compliance by checking each box):

Ballots will be date stamped upon receipt. Each day when ballots come in, a judge will count the ballots, batch them, and record the number of ballots received including those that were returned as undeliverable. [Rule 12.7.3]

The designated election official or the County Clerk and Recorder will maintain a daily reconciliation log containing the number of ballots issued, returned, and outstanding. [Rule 12.7.2]

u. Please review the Secretary of State approved Secrecy Sleeve with Voter Instructions at the bottom of this fillable form. (Please read the following statement and indicate your compliance by checking the box):

As the designated election official, I hereby affirm that the Secretary of State approved secrecy sleeve with voter instructions or voter instructions page as included at the end of this form will be used in the mail ballot election.

As the designated election official, I hereby affirm that the political jurisdiction will be using the attached secrecy sleeve, which is in substantial compliance with the requirements set forth by the Secretary of State.

**MAIL BALLOT PLAN TIMETABLE
COORDINATED OR OTHER NON-PARTISAN ELECTIONS**

**COLORADO SECRETARY OF STATE
1700 BROADWAY, SUITE 200
DENVER, COLORADO 80290
PHONE: 303-894-2200
FAX: 303-869-4861**

Pursuant to Election Rule 12.4, the designated election official must prepare a written timetable for conducting the mail ballot election with specific dates or range of dates when each activity is to be completed.

Please complete the following timetable by supplying the following dates or range of dates on the right:

Date:

Date copy of written plan was submitted to the governing body [Rule 12.4.1]	5-3-2011
Date of approval of election by governing body [Rule 12.4.1]	4-19-2011
Date by which local jurisdictions must submit notice of election to the County Clerk and Recorder if the County Clerk will assist with the election (no later than 40 days before the election) [§1-5-303(1), C.R.S.; Rule 12.4.1]	6-2-2011
Date by which local jurisdictions must submit notice of election to the county assessor, if property owners are eligible to vote in the election (no later than 40 days before the election) [§1-5-304(1), C.R.S.]	6-2-2011
Date by which the County Clerk and Recorder must submit the list of eligible electors to the local jurisdiction conducting the mail ballot election. Also, for special district elections, the date by which the county assessor must submit the list of property owners who are eligible to vote in the election to the jurisdiction. (No later than 30 days before the election) [§1-7.5-107(2), C.R.S.]	6-12-2011
Date of close of registration (29 days before the election) [§1-2-201(3), C.R.S.]	6-13-2011
Date ballots will be mailed (no sooner than 22 days before the election and no later than 18 days before the election) [§1-7.5-107(3), C.R.S.]	6-20-2011
Also, for special district elections, the date by which the county assessor must submit a supplemental list of property owners who are eligible to vote in the election to the jurisdiction. (No later than 20 days before the election) [§1-7.5-107(2), C.R.S.] Date ballots will be made available at the designated election official's office, or the office designated in the Mail Ballot Plan (no sooner than 22 days prior to the election) [§1-7.5-107(3), C.R.S.]	6-20-2011 6-22-2011

Date of publication of notice of election, including information regarding walk-in voting and accessible voting options.(no later than 20 days before the election) [§§1-5-705, 1-7.5-107(2.5), C.R.S.]	6-22-2011
Date verification and counting of ballots will begin (counting may begin 15 days before the election) [§1-7.5-107.5, C.R.S.]	6-27-2011
Date of election	7-12-2011

AM I REQUIRED TO PROVIDE ID?

ANY VOTER WHO'S MAILING LABEL HAS A YELLOW "ID REQUIRED" LABEL MUST SUBMIT IDENTIFICATION FOR HIS OR HER VOTE TO COUNT. YOU DO NOT HAVE TO SUBMIT ID IF YOUR ENVELOPE DOESN'T HAVE AN YELLOW "ID REQUIRED" LABEL

If you are required to provide ID as indicated above, place a photocopy of one of the following **ACCEPTABLE FORMS OF IDENTIFICATION** into the Official Return Envelope. (Do not place the photocopied identification in the Secrecy Sleeve with your voted ballot.)

- A valid Colorado driver's license
- A valid identification card issued by the department of revenue
- A valid United States passport
- A valid employee identification card with a photograph of the eligible elector issued by any branch, department, agency, or entity of the United States government or of this state, or by any county, municipality, board, authority, or other political subdivision of this state
- A valid pilot's license issued by the federal aviation administration or other authorized agency of the United States
- A valid United States military identification card with a photograph of the eligible elector
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector
- A valid Medicare or Medicaid card issued by the United States health care financing administration
- A certified copy of a birth certificate for the elector issued in the United States
- Certified documentation of naturalization
- A valid student identification card with a photograph issued by an institution of higher education in Colorado

Any form of identification that shows the address of the eligible elector shall be considered identification only if the address is in the State of Colorado. Please see SOS Rule 30.1.6 for additional information regarding acceptable forms of Identification.

REPLACEMENT BALLOT INFORMATION

If you spoil, deface or lose your ballot, you may obtain a replacement ballot, one at a time, not to exceed three ballots in all. If you spoil or deface your ballot, you may contact the Elections Office to obtain instructions for requesting a replacement ballot by calling 970-874-2153 OR 970-874-5903.

Replacement Ballots may be requested from the Elections Office during regular business hours, 8:30 a.m. – 4:30 p.m. or on Election Day from 7:00 a.m. to 7:00 p.m.

DESIGNATED DROP OFF SITE INFORMATION

DELTA COUNTY COURTHOUSE
501 PALMER ST. STE 211
DELTA CO 81416
8:30 a.m. - 4:30 p.m. Monday – Friday
7:00 a.m. – 7:00 p.m. Election Day

**Secrecy Sleeve with Voter Instructions
CITY OF DELTA MUNICIPAL ELECTION
JULY 12, 2011**

RETURN POSTAGE REQUIRED

You may return your voted ballot by mail or you may hand deliver your ballot to a Designated Drop Off Site (see opposite side for Designated Drop Off Site locations and schedules). **If you choose to return your voted ballot by mail, you must affix adequate postage of .44¢.**

BALLOT PACKET CONTENTS

This is your Official Mail-In Ballot Packet for the Municipal Election. This packet contains the following items:

- Official Ballot
- Secrecy Sleeve with Voter Instructions
- Official Return Envelope

INSTRUCTIONS

To ensure that your vote(s) are counted correctly, it is important that you follow all the voting instructions shown on your ballot.

After you have marked all your voting choices and finished voting:

1. Refold your ballot exactly as you received it.
2. Place your voted ballot in this Secrecy Sleeve.
3. Place this Secrecy Sleeve (with voted ballot) into the Official Return Envelope. Do not place more than one ballot into the Official Return Envelope.
4. Sign and date the **AFFIDAVIT OF VOTER** located on the backside of the Official Return Envelope; refer to the example below.

Only one voter's ballot is permitted in your Official Return Envelope. If more than one ballot is placed in your Official Return Envelope, none of the ballots will be counted.

If you are a first time voter who registered to vote in the State of Colorado by mail, you must enclose a photocopy of your identification in the Official Return Envelope. Failure to provide ID will result in your ballot being treated as a provisional ballot. Do not place your ID photocopy in the Secrecy Sleeve with your voted ballot. See **AM I REQUIRED TO PROVIDE ID?** section on the opposite side for more information.

All ballots, both Polling Place and Mail/Mail-In, are counted in the same manner. All valid ballots cast by mail are counted in every election in Colorado, regardless of the outcome or closeness of any race.

To verify that your ballot was received by the Elections Office, please call 970-874-2153 or 970-874-5903.

By law, your signature is required on the AFFIDAVIT OF VOTER (located on the backside of the Official Return Envelope). If you do not sign the affidavit, your ballot will not be counted.



AFFIDAVIT OF VOTER

I state under penalty of perjury that I am an eligible elector; that my signature and name are as shown on this envelope; that I have not and will not cast any vote in this election except by the enclosed ballot, and that my ballot is enclosed in accord with the provisions of the "Uniform Election Code of 1992."

X George Washington
Voter's Signature – (Signature Required)

TODAY'S DATE July 4, 1776

* Witness _____
* In case of applicant's disability or inability to sign personally, his/her mark shall be witnessed by another.

DEADLINE FOR RETURNING VOTED BALLOTS

Ballots must be received by the Delta County Clerk & Recorder's Office by 7:00 p.m. on Election Day in order for your vote(s) to be counted. Ballots received after 7:00 p.m. on Election Day will not be counted. **Postmarks do not count as received.**

MAIL BALLOT PLAN
COORDINATED OR OTHER NON-PARTISAN ELECTIONS
COLORADO SECRETARY OF STATE
1700 BROADWAY, SUITE 270
DENVER, COLORADO 80290
PHONE: 303-894-2200
FAX: 303-869-4861

Thank you for accessing the mail ballot plan online form. Please save this form to your computer so that it may be submitted to our office upon completion. Forms should be submitted via email (state.electiondivision@sos.state.co.us).

Please feel free to contact Michael Hagihara via phone at 303-894-2200 ext. 6331 or via email at michael.hagihara@sos.state.co.us with any questions you may have.

MEMO

April 14, 2011

To: Joe Kirby, City Manager
From: Chris Miller

Re: Proclamation - May 2011 is Older Americans Month

I have enclosed a copy of a Proclamation to be presented to City Council for their approval. I have also enclosed a press release with information regarding the history of the program. May 11th will be the day that each community in delta County will sponsor an event in honor of Older Americans Month. If you have any questions please feel free to give me a call.

Regards - Chris Miller 
970-640-7076

Older Americans Month Newsletter Article

Older Americans Month 2011 Older Americans: Connecting the Community

Every May since 1963, people in towns and cities across the country have come together to celebrate the enormous contributions of older Americans—borne of wisdom, experience, and the will to realize their dreams and speak their minds. Older Americans Month is our chance to show our appreciation and support our seniors as they continue to enrich and strengthen our communities. Delta County Council on Aging, Delta County Senior Centers/Meal Sites, Senior CommUnity Meals, Retired Senior Volunteer Program and Delta County Senior Resource Council is joining the festivities with special activities and events on Wednesday May 11th.

The theme of this year's celebration—Older Americans: Connecting the Community—pays homage to the many ways in which older adults bring inspiration and continuity to the fabric of our communities. Their shared histories, diverse experiences, and wealth of knowledge have made our culture, economy, and local character what they are today. The theme also highlights the many ways technology is helping older Americans live longer, healthier and more engaged lives.

In fact, older Americans are more active in community life than ever before, thanks in part to advances in health care, education, technology, and financial stability over the last several decades that have greatly increased their vitality and standard of living. Older adults are out and about giving back and making a difference in their community. Our seniors are mentoring the leaders of tomorrow, taking to heart the need for intergenerational learning to guide and inspire young minds. They offer a take on times gone by not discussed in any history class—a unique perspective that sheds new light on contemporary issues.

Older Americans step up to help one another as well. Across the country, seniors connect with other seniors by delivering meals, helping with home repair, assisting with shopping, and offering companionship, counseling, and care. Their efforts remind us that when older adults are active and engaged in their communities, everyone benefits.

Help us celebrate Older Americans Month! Join your neighbors not only to recognize what older citizens bring to our communities, but also to help them continue playing a vital role in weaving a unique and lasting community fabric.

Contact your local Retired Senior Volunteer Program (RSVP) to find out about volunteer opportunities with programs that provide services for seniors to improve health literacy, increase access to quality health services, deliver food and nutrition services, and provide information for financial assistance.

For your local RSVP office in Delta please contact 907-874-7834. We think you will discover that when you help seniors thrive in your community, you gain far more than you give.

PROCLAMATION
Older Americans: Connecting the Community

Whereas, the City of Delta, Colorado, is a community that includes 1,808 citizens aged 60 and older; and

Whereas, the older adults in the City of Delta are the roots from which our community grows, who bestow gifts of wisdom and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and

Whereas, our society can be enhanced by older adults aging peacefully in their communities; and

Whereas, the older adults in the City of Delta should be commended for their role in creating and bolstering the fiber of our community and nation; and

Whereas, our community can provide that recognition and respect by enriching the quality of life for older Americans by:

- Increasing their opportunities to remain in their communities as active and engaged citizens;
- Providing services, technologies, and support systems that allow seniors to foster and maintain connections within the community;
- Emphasizing the value of elders by publicly recognizing their contributions to the diversity, strength, and unity of our community.

Now, Therefore, I, Mary Cooper, Mayor of the City of Delta, do hereby proclaim May, 2011 as **OLDER AMERICANS MONTH**. I urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for them. Our recognition of older Americans and their involvement in our lives can help us achieve stronger and more meaningful connections with each other and enrich our community's quality of life.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Seal of the City of Delta this 3rd day of May, 2011.

Mayor

ATTEST:

City Clerk