

## **ORDINANCE NO. 1085 (2019)**

### **AN EMERGENCY ORDINANCE APPROVING CERTAIN ELECTION PROCEDURES INCLUDING USING THE UNIFORM ELECTION CODE FOR THE CONDUCT OF THE GENERAL MUNICIPAL ELECTION ON APRIL 2, 2019**

#### **RECITALS:**

WHEREAS, the upcoming general municipal election for the City of Craig, Colorado will be held on April 2, 2019, at which time there will be three (3) open at-large City Council positions and the Mayor position to be filled by the voters;

WHEREAS, the City has in recent previous elections contracted with the Moffat County Clerk to assist in conducting municipal election, and the City will be doing the same for the April 2, 2019 general municipal election;

WHEREAS, due to the election of the new County Clerk there was uncertainty as to whether the County Clerk's office could assist the City in the conduct of the April 2, 2019 election, which uncertainty has led to short timeframes to establish the method to carry out and conduct the election;

WHEREAS, the City Clerk, our election official, recommends to the City Council that the City conduct the April 2, 2019 general municipal election utilizing the services, equipment and location in the same manner by the Moffat County Clerk as recent combined and municipal elections have been conducted;

WHEREAS, when the City joins a combined election with Moffat County each November and during past recent general municipal elections, the elections have been conducted by the Moffat County Clerk pursuant to the Uniform Election Code set forth in Title 1 of the Colorado Revised Statutes;

WHEREAS, both the Secretary of State's Office and the Moffat County Clerk recommend that the election be conducted pursuant to the Uniform Election Code, as is the case with other combined elections that include a municipal election for the City of Craig;

WHEREAS, the Charter for the City of Craig states that "General or Special municipal elections shall be governed by the Colorado Municipal Election Code as now existing or as hereafter amended or modified, except as otherwise provided in this Charter *or as the Council may provide by ordinance not in conflict with this Charter* (emphasis added) City Charter, Article VI, Section 3;

WHEREAS, according to the wording of such charter provision the City Council may by ordinance determine whether the circumstances of a particular election warrant the use of the Colorado Municipal Election Code as found in Title 31, Article 10, or whether to make an

exception and use the Uniform Election Code, as set out in Title 1 of the Colorado Revised Statutes;

WHEREAS, the City Council determines that the April 2, 2019 general municipal election should be conducted according to the Uniform Election Code so that the election can be conducted by the Moffat County Clerk and in the same manner as the last several combined elections and last municipal elections, which were all conducted by the Moffat County Clerk;

WHEREAS, the City Council determines that a special emergency exists due to the late stage of determining the manner of conducting the general municipal election utilizing the services, equipment, processes and location of the Moffat County Clerk, and that such emergency could not have been anticipated by the City of Craig, and that the proper conducting of the general municipal election is necessary for the preservation of the public peace, health and safety;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO, AS FOLLOWS:**

1. The upcoming general municipal election to be held on April 2, 2019 will be conducted under the Uniform Election Code as codified in Title 1 of the Colorado Revised Statutes. This emergency ordinance shall not affect the operation and conduct of any future elections.
2. Resolution 5 (2019) passed by the City Council is hereby revoked as it pertains to the conduct of the April 2, 2019 election without the involvement of the Moffat County Clerk's office. The election will still be conducted as a mail-in ballot election, but that the procedures set forth in the Uniform Election Code will be applicable to the election.

EFFECTIVE DATE: Upon passage by a unanimous vote of the quorum of the City Council present at this special City Council meeting and shall take effect immediately upon passage. The ordinance shall be published and printed as approved.

READ AND APPROVED THIS 7TH DAY OF FEBRUARY 2019 BY THE CITY COUNCIL OF THE CITY OF CRAIG, COLORADO.

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John Ponikvar, Mayor

ATTEST:

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Liz White, City Clerk