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LEADVILLE SANITATION DISTRICT

PLANT: 13867 U.S. HWY. 24 BUSINESS OFFICE: 911 U.S. HWY. 24
P.O. BOX 253 LEADVILLE, COLORADO 80461 (719) 486-2993

Received
MAR 19 2010
Dept. of Local Affairs

March 16, 2010

Election Officer
Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203

Attention Election Officer:

The election for the Leadville Sanitation District was cancelled, nominating petitions had been received from two candidates, they were declared elected. The Notice of Cancellation of the regular Election has been published in the Herald Democrat on March 11, 2010 and a copy will be included with this letter.

I have also enclosed copies of all election information. A copy of this letter and attachments will be sent to the Lake County Clerk.

Sincerely,

Angelina Salazar

Angelina Y. Salazar
Office Manager

Cc: Patricia A. Berger, Lake County Clerk

Patricia A. Berger
Lake County Clerk & Recorder
P.O. Box 917 • Leadville, CO 80461
(719) 486-1410

January 26, 2010

Scott Marcella
Leadville Sanitation District
Box 253
Leadville, CO 80461

Dear Scott,

Enclosed please find two copies of the Intergovernmental Agreement between the Lake County Clerk & Recorder and the Leadville Sanitation District for the upcoming Special District Election to be held on May 4, 2010.

You are responsible for the publication of the call for nominations between February 3, 2010 and February 18, 2010. The call shall state which offices will be voted upon, where a self-nomination and acceptance form may be obtained, the deadline for submitting the self-nomination and acceptance form to the designated election official and information on obtaining a mail-in ballot.

If the IGA meets with your approval, please sign both copies, return one in the enclosed envelope and retain one for your records. It must be signed no later than February 23, 2010. Should you have a ballot issues please note that the pro and con statements for the ballot issues must be certified to me no later than 5:00 p.m. on March 19, 2010 to be included in the Tabor Notice.

If you have any questions, please do not hesitate to contact me.

Cordially,

Patty Berger

Patricia A. Berger
Lake County Clerk & Recorder

LETTER OF AGREEMENT

This Letter of Agreement shall serve as the intergovernmental agreement between the Lake County Clerk and Recorder (hereinafter referred to as "County Clerk") and Leadville Sanitation District (hereinafter referred to as "District").

PURPOSE: Pursuant to the terms of this agreement, the County Clerk and the District agree to participate in the Regular Special District Election to be held on May 4, 2010. The purpose of the agreement is to set forth the responsibilities of the County Clerk and the District in the conduct and finance of the election. This election shall be held under the provisions of Title 1 of the Colorado Revised Statutes.

JURISDICTIONAL LIMITATION: If any district encompasses territory in more than one county, this Agreement shall be construed to apply only to that portion of the district within Lake County.

DESIGNATION OF OFFICIALS: The County Clerk shall serve as the Designated Election Official for all political subdivisions involved in this Special District Election. The District shall designate an "Election Official" who shall act as the primary liaison or contact between the District and the County Clerk for this Special District Election. The District designated Angelina Salazar as the Election Official. To the extent that the Code requires, this person is the District's "Election Official".

PRECINCTS & POLLING PLACE LOCATIONS: Voting precincts and polling place locations will be those established and designated by the County Clerk. Polling place signs will be purchased and posted by the County Clerk at least twelve (12) days prior to the election.

APPOINTMENT OF JUDGES: All Election Judges shall be appointed and trained by the County Clerk.

LEGAL NOTICE: Any legal notice of election which is required to be given to the electorate of the District according to statute governing the Special District Election other than the notice required at least ten (10) days prior to the election according to 1-5-205(1) C.R.S. shall be the responsibility of the District.

BALLOT CONTENTS: In accordance with Colorado law, the ballot contents must be certified to the County Clerk by the District, in its exact and final form, no later than 5:00 p.m. on March 5, 2010. The list of questions must be typed exactly as it is to appear on the ballot including the correct order. The District assumes all responsibility and cost for any judicial proceedings regarding whether or not issues legally belong on the ballot. For issues, specify the title of the text, and the order of the issues. The District has the responsibility to proof and approve the layout and text of the sample/absentee/official ballots before authorizing the printing of the ballots. From time of receipt of proof, the District has 24 hours to proof, sign and return to the County Clerk.

MAIL BALLOT ELECTION: If the governing body of the special district determines that the election shall be by mail ballot the County Clerk shall notify the secretary of state no later than sixty-five days prior to the election. The notification shall include a proposed plan for conducting the mail ballot election, which will be based on the standard plan adopted by the secretary of state.

RECEIVING OF WRITTEN COMMENTS AS COVERED BY SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION (hereafter referred to as Amendment 1): The process of receiving written comments, including petition representative's summary of comments, and summarizing such comments, as required by Amendment 1, shall be solely the responsibility of the District's Election Official.

PREPARATION AND MAILING OF NOTICES FOR BALLOT ISSUES: The District shall certify a final and exact summary of comments concerning its ballot issues to the County Clerk no later than the Friday before the 45 day prior to the election (5:00 p.m. March 19, 2010), for inclusion in the ballot issue mailing as required by Amendment 1. The County Clerk shall coordinate the text for the ballot issue mailing for all participating Lake County political subdivisions into one notice. Ballot issue mailing shall be prepared and mailed by the County Clerk in accordance with Amendment 1.

ABSENTEE AND REPLACEMENT BALLOTS: All request for mil-in ballots shall be transmitted to and processed by the County Clerk at 505 Harrison Avenue, P. O. Box 917, Leadville, Colorado 80461. All completed forms must be returned to the County Clerk.

PREPARATION FOR ELECTION DAY: The County Clerk shall be responsible for preparing and printing the sample/absentee/official ballot. The County Clerk shall also be responsible for providing, preparing and delivering voting equipment and supplies to all polling place locations.

TEST DECK: The District shall provide a representative to witness and initial the results of the three runs of the test deck. These tests are run one day prior to the election, just before the ballot counting and directly after the ballot count.

TABULATION OF BALLOTS: All processes relating to the tabulation of ballots shall be the responsibility of the County Clerk. The District shall designate one representative to observe the counting of the ballots. An unofficial abstract of votes will be provided to the District upon completion of the counting of all ballots.

CANVASS OF VOTES: The canvass of votes will be the responsibility of the County Clerk. Such canvass will be completed no later than the seventh (7th) day after the Special District Election (May 11, 2010) as required by law, and official results of the canvass will be provided to all political subdivisions participating in the election.

CANCELLATION: If the only matter before the electors in a nonpartisan election is the election of persons to office and if, at the close of business on the sixty-third (63) day before the election, (March 2, 2010) there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent, the designated election official, shall cancel the election and declare the candidates elected. The District shall notify the County Clerk immediately. The District shall pay its prorated costs of the activities of the County Clerk relating to the election incurred to the date of notification of cancellation. The District shall publish notice of such cancellation. A copy of the notice shall be posted at each polling place, in the office of the designated election official, and in the office of the County clerk and a copy of the notice shall be filed in the office of the division of local government.

STORAGE OF RECORDS: The County Clerk shall store all materials required by Election Codes for twenty-five (25) months.

ALLOCATION OF COST OF ELECTION: The County Clerk shall determine the cost allocation for each district participating in the election. The District shall reimburse the County Clerk for such election costs as allocated to the District. The election invoice will be itemized and prorated for the District on the basis of the total number of registered voters within each political subdivision. Reimbursement shall be made to the County Clerk within thirty (30) days from receipt of billing from the County Clerk.

INDEMNIFICATION: The District agrees to indemnify, defend and hold harmless the County and the County Clerk from any and all loss, costs, demands, or actions, arising from negligence or willful misconduct of the District relating to its responsibilities for the May 4, 2010 Special District Election. Likewise, the County Clerk shall indemnify, defend and hold harmless the District from any and all loss, costs, demands or actions arising from negligence or willful misconduct of the County and the County Clerk relating to its responsibilities for the May 4, 2010 Special District Election.

This letter of agreement expires at 5:00 p.m. on February 23, 2010 if both parties do not sign it.

IN WITNESS WHEREOF, the parties hereto have executed this agreement to be effective the 4th day of February, 2010.

Kenneth L Berger
Conservation District

ATTEST:

Patricia A Berger
Patricia A. Berger, Clerk and Recorder

ATTEST:
Kathleen Owens

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LEADVILLE SANITATION DISTRICT

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P.O. BOX 253 LEADVILLE, COLORADO 80461 (719) 486-2993

PROCEEDING OF THE BOARD OF DIRECTORS
Leadville Sanitation District

RESOLUTION NO. 1, 2010

CANCELLATION OF ELECTION
DECLARATION DEEMING CANDIDATES ELECTED
LEADVILLE SANITATION DISTRICT
LAKE COUNTY, COLORADO

WHEREAS, The Designated Election Official of the District has been duly authorized by the Board of Directors to cancel and declare candidates elected at the close of the business on the sixty-third day before the election to be conducted on May 4, 2010, **AND WHEREAS,** there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write in candidates. Now, **THEREFORE,** pursuant to 1-5-2080(105), C.R.S., the Designated Election Official **HEREBY** cancels the regular election to be conducted on the 4th day may, 2010

THE ELECTION IS CANCELED BY FORMAL RESOLUTION AND THE FOLLOWING CANDIDATES ARE DECLARED ELECTED FOR THE FOLLOWING TERMS OF OFFICE

Kenneth F. Berger	815 Vandome Ave. No. 9 Leadville, CO 80461	4 Year Term
Leslie L. Parlin	104 West 17th Street Leadville, CO 80461	4 Year Terms

Signed by: Robert E Vigil
Director

Contact Person for the District: Angelina Y. Salazar

Telephone Number for the District: (719) 486-2993

Address for the District: 911 Hwy 24 South

PUBLIC NOTICE
#1 - 2010
RESOLUTION
CANCELLATION OF ELECTION
DECLARATION DEEMING CANDIDATES ELECTED
LEADVILLE SANITATION DISTRICT
LAKE COUNTY COLORADO

WHEREAS, the Designated Election Official of the District has been duly authorized by the Board of Directors to cancel and declare candidates elected at the close of business on the sixty-third day before the election to be conducted on May 4, 2010.
AND WHEREAS, there were not more candidates for director than offices to be filled, including candidates filing affidavits of intent to be write-in candidates. Now **THEREFORE**, Pursuant to 1-5-208(1.5), C.R.S. the Designated Election Official HEREBY cancels the regular election to be conducted on the 4th day of May, 2010.
THE ELECTION IS CANCELED BY

FORMAL RESOLUTION AND THE FOLLOWING CANDIDATES ARE DECLARED ELECTED FOR THE FOLLOWING TERMS OF OFFICE:
Kenneth F. Berger, 815 Vendome Ave. #9, Leadville, CO 80461, 4 year term.
Leslie L. Parlin, 104 West 19th St., Leadville, CO 80461, 4 Year Term.
Signed by:
/s/Robert Vigil, Director
Contact Person for the District /s/Angelina Y. Salazar.
Telephone Number of the District: (719) 486-2993.
Address of the District: 911 US Hwy 24 South.
Published in the Herald Democrat March 11, 2010.

PUBLIC NOTICE
#1 - 2010
RESOLUTION
CANCELLATION OF ELECTION
DECLARATION DEEMING CANDIDATES ELECTED
LEADVILLE SANITATION DISTRICT
LAKE COUNTY COLORADO

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Signed by:
/s/Robert Vigil, Director
Contact Person for the District /s/Angelina Y. Salazar.
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Address of the District: 911 US Hwy 24 South.
Published in The Herald Democrat March 11, 2010.