

CITY OF RIFLE, COLORADO
ORDINANCE NO. 15
SERIES OF 2017

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, COLORADO, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, A QUESTION OF WHETHER THE CITY SHOULD HAVE THE AUTHORITY TO PROVIDE ADVANCED SERVICE, TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES WITHIN THE CITY.

WHEREAS, the City of Rifle (the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, through Senate Bill 2005-152, codified at Section 29-27-101, *et seq.*, C.R.S., the Colorado General Assembly authorized the City to provide cable television service, telecommunications service, and advanced service; and

WHEREAS, C.R.S. 29-27-201 requires the City to call an election on whether or not it shall provide cable television service, telecommunication service, or advanced service and seek approval of a majority of the voting electors prior to the provision of proposed services; and

WHEREAS, affordable, reliable, and innovative telecommunications services, including, but not limited to, broadband internet services, are hereby found and determined to be essential for the City’s residents and businesses in today’s economic environment and for quality of life; and

WHEREAS, the City Council finds and believes that re-establishing the City’s authority to either directly or indirectly provide cable television service, telecommunication service, and advanced service within the municipal boundaries is in the best interest of the community and its citizens and visitors; and

WHEREAS, Section 2.3 of the Rifle Home Rule Charter requires that a regular municipal election be held on Tuesday, September 12, 2017; and

WHEREAS, the City Council desires to place a question on the ballot for the regular municipal election to be held on September 12, 2017 to decide if the City should have the authority to either directly or indirectly provide cable television service, telecommunication service, or advanced service.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO ORDAINS THAT:

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.

2. Submission to Voters. The purpose of this Ordinance is to submit to the electors of the City of Rifle a ballot question authorizing the City to either directly or indirectly provide cable television service, telecommunication service, and advanced service within the municipal boundaries.

3. Publication of Ballot Form. The City Clerk shall cause a notice of election for the following ballot question to be published as part of the municipal election publication in substantially the following form and add the question to the City's 2017 Municipal Election Ballot:

WITHOUT INCREASING TAXES, SHALL THE CITY OF RIFLE RE-ESTABLISH THE LEGAL AUTHORITY OF THE CITY OF RIFLE TO PROVIDE CABLE TELEVISION SERVICES, TELECOMMUNICATIONS SERVICES, AND/OR ADVANCED SERVICES (HIGH SPEED INTERNET/BROADBAND), AS DEFINED AND CURRENTLY RESTRICTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, INCLUDING ANY NEW AND IMPROVED BANDWIDTH SERVICES BASED ON EXISTING OR FUTURE TECHNOLOGIES, TO ANY EXISTING FIBER OPTIC NETWORK, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR SERVICE PROVIDERS, TO POTENTIAL SUBSCRIBERS THAT MAY INCLUDE TELECOMMUNICATIONS SERVICE PROVIDERS AND RESIDENTIAL OR COMMERCIAL USERS WITHIN THE CITY OF RIFLE, AND THAT SAID SERVICES MAY BE PROVIDED BY THE CITY OF RIFLE ALONE OR IN PARTNERSHIP WITH OTHER GOVERNMENTAL, PRIVATE, OR CORPORATE, INCLUDING NONPROFIT, ENTITIES?

YES _____

NO _____

4. Challenges to Ballot Title and Content. For the purposes of C.R.S. §1-11-203.5, this Ordinance shall serve to set the title and content of the ballot question set forth herein and the ballot title for such ballot question shall be the text of the ballot question itself. Any petition to contest the form or content of the ballot title must be filed with the District Court in and for Garfield County and a copy served on the City Clerk within five days after the date of publication of this Ordinance.

5. Conduct of Election. The officers and employees of the City are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

6. Effect of Election Results. If a majority of the votes cast on the ballot question submitted at the election shall be in favor of the ballot question, the City Council shall take such action, by ordinance, to amend the Rifle Municipal Code as may be necessary.

7. Severability. If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance, which, upon the date that it is to take effect, will become, and remain thereafter, in full force and effect.

8. Invalidity. If this ordinance does not for any reason become effective, or is declared invalid by a court, the provisions of this ordinance will have no force or effect, and all other acts, orders, or ordinances of the City will continue to be effective as if this ordinance was never adopted.

INTRODUCED, on June 7, 2017, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on June 19, 2017, passed without amendments, approved, and ordered published in full as required by the Charter.

DATED this ____ day of _____, 2017.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk