

ORDINANCE 2015-15

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF FRUITA AT THE CITY'S REGULAR ELECTION TO BE HELD ON APRIL 5, 2016, THE BALLOT QUESTION OF WHETHER, WITHOUT INCREASING TAXES AND TO RESTORE LOCAL AUTHORITY, THE CITY OF FRUITA SHALL BE AUTHORIZED TO PROVIDE ADVANCED SERVICE (HIGH SPEED INTERNET), CABLE TELEVISION SERVICE, OR TELECOMMUNICATIONS SERVICE, DIRECTLY OR INDIRECTLY TO USERS OF SUCH SERVICES LOCATED WITHIN THE BOUNDARIES OF THE CITY OF FRUITA AS EXPRESSLY PERMITTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES

WHEREAS, the City of Fruita, Colorado (the "City") is authorized by Part 2, Article 27 of Title 29, Colorado Revised Statutes, to call an election on whether or not the City may provide advanced service, cable television service, or telecommunications service; and

WHEREAS, the Council desires to restore to the City local authority to provide advanced services, cable television, and telecommunications service, directly or indirectly, that was removed in 2005 by Senate Bill 05-152; and

WHEREAS, the City of Fruita's next regular election is scheduled for April 5, 2016; and

WHEREAS, the Council must fix the ballot title for this measure, pursuant to Colorado Revised Statutes § 31-11-111, to assure the title is not confusing, does not conflict with other measures on the ballot in the April 5, 2016 election, and correctly and fairly expresses the true intent and meaning of the measure; and

WHEREAS, Senate Bill 05-152 provides that, with certain exceptions, an election be held before the City may engage or offer to engage in providing advanced, cable, or telecommunication services, as those terms are defined in state statute.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO:

Section 1. That pursuant to C.R.S. § 29-27-201(1), there shall be submitted to a vote of the registered electors of the City of Fruita on the ballot at the City's regular election to be held on April 5, 2016, the ballot questions of whether, without increasing taxes, and to restore local authority, the City of Fruita shall be authorized to provide advanced service (high speed internet), cable television service, or telecommunications service, either directly or indirectly, with public and/or private sector partners.

Section 2. That the ballot for the City's regular municipal election on April 5, 2016 to be conducted as a mail ballot election, shall include a ballot title for this ballot question, in addition to those for any other City ballot question and the question below which may be approved by the

City Council:

“WITHOUT INCREASING TAXES, AND TO RESTORE LOCAL AUTHORITY, SHALL THE CITY OF FRUITA BE AUTHORIZED TO PROVIDE ADVANCED SERVICE (HIGH SPEED INTERNET), CABLE TELEVISION SERVICE, OR TELECOMMUNICATIONS SERVICE, DIRECTLY OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, HEALTH CARE FACILITIES, NONPROFIT ENTITIES, AND OTHER USERS OF SUCH SERVICES LOCATED WITHIN THE BOUNDARIES OF THE CITY OF FRUITA AS EXPRESSLY PERMITTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES?”

Section 3. That the ballot title for the measure stated above in Section 2 shall be fixed as follows:

REFERRED ISSUE A: AUTHORIZING THE CITY OF FRUITA TO PROVIDE ADVANCED SERVICE (HIGH SPEED INTERNET), CABLE TELEVISION SERVICE, OR TELECOMMUNICATIONS SERVICE.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS 17TH DAY OF NOVEMBER, 2015.**

ATTEST:

City of Fruita

City Clerk

Lori Buck, Mayor