

# ORDINANCE NO. 1087

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF FORT MORGAN, COLORADO, SUBMITTING A  
BALLOT QUESTION TO THE ELECTORS OF THE CITY AUTHORIZING THE CITY  
TO ENGAGE IN SERVICES RELATED TO PROVIDING TELECOMMUNICATIONS,  
CABLE AND ADVANCED SERVICES THROUGH THE CITY'S FIBER NETWORK  
ENTERPRISE AS PROVIDED UNDER  
C.R.S SECTION 29-27-101 ETSEQ.**

WHEREAS, the City of Fort Morgan City Council finds that it is in the best interests of the City to provide and/or facilitate high speed internet, cable television and telecommunication services through its dark or unused fiber; and,

WHEREAS, the Council has determined that by offering and/or facilitating these services, the City could fully realize the potential of the infrastructure previously installed to provide and/or facilitate these advanced services; and,

WHEREAS, C.R.S. § 29-27-201(2), requires that prior to the City expanding the City's current services, a question must be referred to the electors of the City of Fort Morgan; and,

WHEREAS, to become effective under this statute, a ballot question must be approved by a majority vote of the qualified electors voting in the election; and,

WHEREAS, pursuant to Article VIII, Sec. 21 of the *Charter* provides that the City Council can refer an Ordinance to the qualified electors of the City of Fort Morgan.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO:

Section 1: Pursuant to the *Charter of the City of Fort Morgan* (2008), and the Constitution of the State of Colorado, the City proposes to provide directly or indirectly cable, telecommunications and advanced services within the City of Fort Morgan. This proposal shall hereby be submitted to the electors of the City, shall become effective if, and only if, it is approved by the majority of the voters at the general election to be held November 3, 2009.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Establishment of a Fiber Network Enterprise to the voters at said election:

<b>PROPOSED BALLOT QUESTION REGARDING AUTHORIZING THE CITY TO ENGAGE IN SERVICES RELATED TO PROVIDING TELECOMMUNICATIONS, CABLE AND ADVANCED SERVICES THROUGH THE CITY'S FIBER NETWORK ENTERPRISE AS PROVIDED UNDER C.R.S. SECTION 29-27-101 ETSEQ.</b>	
Shall the City of Fort Morgan, Colorado be authorized to directly, indirectly, by contract or through the sale or purchase in resale or wholesale form, through a sale or leaseback arrangement provide cable television, telecommunications and advanced services to subscribers within the corporate limits of the City and in unincorporated Morgan County effective December 1, 2009?	YES _____  NO _____

Section 3. It is the intent of this ordinance to comply with the requirements set forth in C.R.S. § 29-27-101 et seq., and any specific definitions of terms set forth in that statute shall apply to those terms in this ordinance.

INTRODUCED AND PASSED UPON FIRST READING this 11<sup>th</sup> day of August, 2009, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: */s/ Jack Darnell*  
Mayor

ATTESTED:

*/s/ Andrea Strand*  
City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this 25<sup>th</sup> day of August, 2009, for publication once in the newspaper of the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: */s/ Jack Darnell*  
Mayor

ATTESTED:

*/s/ Andrea Strand*  
City Clerk

STATE OF COLORADO        )  
COUNTY OF MORGAN        )  
CITY OF FORT MORGAN      )

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing Ordinance No 1087 was, as a proposed Ordinance duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a Special Meeting on the 11<sup>th</sup> day of August, 2009. Said Ordinance, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 14<sup>th</sup> day of August, 2009, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, as amended, duly and legally passed, approved and adopted at a Special Meeting of the City Council held on the 25<sup>th</sup> day of August, 2009. Within five (5) days after its final passage, said Ordinance was published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

*/s/ Andrea Strand*  
City Clerk