

## RESOLUTION NO. 2016-07-01

### AUTHORIZING THE MAYOR TO SIGN AN UPDATED ORDINANCE CORRECTING CLERICAL ERRORS IN ORDINANCE NO. 1180 GRANTING A FRANCHISE AGREEMENT FOR THE PURPOSE OF PROVIDING CABLE SERVICES

**WHEREAS**, the City approved Ordinance No. 1180 granting a franchise renewal for Bresnan Communications, d/b/a Charter Communications on first reading on March 15, 2016; and

**WHEREAS**, simultaneously the City executed a negotiated franchise agreement which was executed by the City and Charter Communications detailing the specifics of the granted franchise; and

**WHEREAS**, throughout the process to provide approval several delays occurred due to inclement weather and unforeseen circumstances that resulted in some discrepancies in dates between the approved Ordinance and the approved Franchise Agreement; and

**WHEREAS**, the errors are clerical in nature and should be harmonized to provide clarity to the Franchise Agreement and Ordinance.

### NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

**SECTION 1:** City Council hereby authorizes the Mayor to sign an updated Ordinance 1180 with the following changes:

- 1) The Franchise Agreement Term shall be for fifteen years, as reflected in the Franchise Agreement attached to Ordinance 1180.
- 2) Section 2 of the Ordinance shall be amended to read "This Ordinance shall retroactively authorize the Franchise Agreement to take effect on the 2nd day of December, 2015 subject to the Franchise Agreement being fully executed by both the City and Charter, and the publication of this Ordinance as required by law."

**SECTION 2:** City Council hereby directs staff to publish the corrected Ordinance once in the newspaper of the City of Fort Morgan, Colorado.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of July 2016, the vote upon roll call being as follows:

Ayes: Mayor Shaver, Councilmembers Anderson, Castoe, Lindell, Marler, Northrup and Segura

Nays: None.

Absent /Abstain: None.

[ SEAL ]

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

BY:   
Mayor Ronald Shaver

ATTEST:

  
John Brennan, City Clerk

STATE OF COLORADO            )  
COUNTY OF MORGAN         )    ss.       **CERTIFICATE**  
CITY OF FORT MORGAN )

I, John Brennan, City Clerk for the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the Council of Fort Morgan, Colorado, and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the City of Fort Morgan this 20<sup>th</sup> day of July, 2016.

  
John Brennan, City Clerk