

**ORDINANCE NO. 13
SERIES OF 2016**

AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF CARBONDALE AT THE COORDINATED ELECTION OF NOVEMBER 8, 2016 THE QUESTION OF WHETHER THE TOWN OF CARBONDALE SHALL HAVE THE LEGAL AUTHORITY TO PROVIDE, AT NO ADDITIONAL COST TO TAXPAYERS, CABLE TELEVISION SERVICE, TELECOMMUNICATION SERVICE, AND/OR ADVANCED SERVICE, AS EXPRESSLY PERMITTED BY TITLE 29, ARTICLE 27, PART 1 OF THE COLORADO REVISED STATUTES, EITHER ACTING ALONE OR IN PARTNERSHIP WITH OTHER ENTITIES

WHEREAS, pursuant to Title 29, Article 27, Part 1 of the Colorado Revised Statutes, the Town of Carbondale is prohibited from providing "cable television service," telecommunication service," or "advanced service," unless the voters of the Town of Carbondale vote to approve the Town of Carbondale providing such service;

WHEREAS, access to certain cable television service, telecommunication service, or advanced service, including but not limited to any new and improved high speed broadband service is lacking in the Town of Carbondale;

WHEREAS, it is the intent and desire of the Board of Trustees to submit to the voters of the Town of Carbondale at the next general election to be held on November 8, 2016 the ballot question of whether the Town of Carbondale, either acting alone or in partnership with other entities, shall be authorized to provide, at no additional cost to taxpayers, access to infrastructure for cable television service, telecommunication service, and/or advanced service; and

WHEREAS, the Board of Trustees finds and determines that telecommunications service improvements within the Town of Carbondale will provide long-term benefits and quality of life improvements for the citizens of the Town of Carbondale and users of such services.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that:

1. The foregoing recitals are incorporated herein as though set forth in full, and the aforementioned ballot question shall be submitted to the registered electors of the Town of Carbondale at the November 8, 2016 coordinated election.
2. The official ballot shall contain the following ballot title, which shall also be the designation and submission clause for the question:

Ballot Question No. ____

Authorizing the Town of Carbondale to Provide Telecommunication Services, Either Acting Alone or in Partnership with Other Entities

WITHOUT INCREASING TAXES, SHALL THE TOWN OF CARBONDALE HAVE THE LEGAL ABILITY TO PROVIDE ANY AND ALL SERVICES CURRENTLY RESTRICTED BY TITLE 29, ARTICLE 27, PART 1, OF THE COLORADO REVISED STATUTES, SPECIFICALLY DESCRIBED AS "ADVANCED SERVICE," "TELECOMMUNICATIONS SERVICES" AND "CABLE TELEVISION SERVICES," AS DEFINED BY THE STATUTE, SPECIFICALLY INCLUDING NEW AND IMPROVED BANDWIDTH SERVICES BASED ON BEST AVAILABLE TECHNOLOGIES, UTILIZING CURRENT AND NEW COMMUNITY-OWNED INFRASTRUCTURE 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 TOWN OF CARBONDALE, AND THAT SAID SERVICES MAY BE PROVIDED BY THE TOWN OF CARBONDALE ALONE OR IN PARTNERSHIP WITH OTHER GOVERNMENTAL, PRIVATE OR CORPORATE, INCLUDING NONPROFIT, ENTITIES?

FOR THE MEASURE ____ AGAINST THE MEASURE ____

3. If a majority of all the votes cast at the election on the question submitted shall be for the question, the question shall be deemed to have passed and shall be effective upon passage.

4. 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 Town of Carbondale Clerk within five (5) days after publication of this Ordinance.

5. The officers and employees of the Town of Carbondale are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance and to contract with the Garfield County Clerk to conduct the election for the Town of Carbondale.

6. This Ordinance is necessary to protect the public health, safety and welfare of the residents of the Town of Carbondale, and covers matters of local concern.

7. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable, the invalidity or unenforceability of each section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.


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

INTRODUCED, READ AND PASSED this 26th day of July, 2016.

THE TOWN OF CARBONDALE


Dan Richardson, Mayor Pro Tem

ATTEST:


Cathy Derby, Town Clerk



8984893_2