

ORDINANCE NO. 023, 2007
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF
FORT COLLINS A PROPOSED AMENDMENT TO ARTICLE XI OF THE
CITY CHARTER, PERTAINING TO FRANCHISES AND PUBLIC UTILITIES

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins provides that the Charter may be amended as provided by the laws of the State of Colorado; and

WHEREAS, Section 31-2-210, C.R.S., provides that Charter amendments may be initiated by the adoption of an ordinance by the Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, Article XI of the City Charter addresses the granting of franchises and the limitations associated therewith; and

WHEREAS, Section 5 of Article XI limits the term of franchises, leases and other rights to use the streets or other public places and property of the City to not more than twenty years; and

WHEREAS, the reference to leases and rights to use city property within the Article dealing with franchises has created uncertainty as to the meaning and intent of this section of the City Charter; and

WHEREAS, there are important instances where it is in the City's best interests to enter into leases in non-franchise related situations for terms of longer than twenty (20) years; and

WHEREAS the City Council believes that Section 5 of Article XI of the City Charter should be amended to clarify that the twenty-year limitation set forth therein is only applicable to franchises, thereby giving the City the discretion to enter into longer term leases in non-franchise situations when to do so would be in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following proposed change to Article XI, Section 5 of the City Charter shall be submitted to the registered electors of the City as "Proposed Charter Amendment No. 2" at the regular municipal election to be held on Tuesday, April 3, 2007:

Section 5. Term, compensation.

No franchise, lease, or right to use the streets or the public places or property of the city shall be granted for longer than twenty (20) years. Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon his or her property, nor from any

license, charges, or other impositions levied by the Council, not levied on account of the use granted by the franchise.

Section 2. That the following ballot language is hereby adopted for submitting Proposed Charter Amendment No. 2 to the voters at said election:

<p style="text-align: center;">CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2</p> <p>Shall Article XI, Section 5 of the Fort Collins City Charter (Franchises and Public Utilities) be amended to eliminate leases and other rights from the existing twenty-year limit on the length of franchises, leases and other rights that the City can grant to private persons or entities to use the streets or public places or property of the City, so that only franchises will be subject to this twenty-year limit?</p> <p style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
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Introduced and considered favorably on first reading, and ordered published this 6th day of February, A.D. 2007, and to be presented for final passage on the 20th day of February, A.D. 2007.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 20th day of February, A.D. 2007.

Mayor

ATTEST:

City Clerk