

OCT 16 2017

8th DISTRICT COURT LARIMER COUNTY JUSTICE CENTER Court Address: 201 Laporte Avenue Fort Collins, CO 80521 Phone (970) 494-3500	DATE FILED: October 16, 2017 CASE NUMBER: 2017CV219
Plaintiff/Contestor: Eric Sutherland, as an individual, pro se. v. Defendant/Contestee: City of Fort Collins Indispensable Party: Angela Myer, Larimer County Clerk and Recorder.	▲ COURT USE ONLY ▲
Party without attorney: Eric Sutherland, pro se 3520 Golden Currant Boulevard Fort Collins, CO 80521 Phone Number: (970) 224 4509 E-mail: sutherix@yahoo.com	Case Number: Division:
Proposed Order :	

I hereby Order that, pursuant to C.R.S. §1-11-203.5, the ballot title shall be reformed to read as follows.

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 1 ADDING A NEW SECTION 7 TO CHARTER ARTICLE XII TO AUTHORIZE, BUT NOT REQUIRE, THE CITY'S PROVISION OF TELECOMMUNICATION FACILITIES AND SERVICES AS A PUBLIC UTILITY, INCLUDING BROADBAND INTERNET SERVICES

Shall Article XII of the City of Fort Collins Charter be amended allow, but not require, City Council to authorize, by ordinance and without a vote of the electors, the City's electric utility or a separate telecommunications utility to provide telecommunication facilities and services, including the transmission of voice, data, graphics and video using broadband Internet facilities, to customers within and outside Fort Collins, whether directly or in whole or part through one or more third-party providers, and, in exercising this authority, shall allow City Council to: (1) issue securities and other debt, but in a total amount not to exceed \$150,000,000 repayable with revenue from any source including sales and use tax but not with property tax without appropriation by City Council; (2) set the customer charges for these facilities and services subject to the limitations in the Charter required for setting the customer charges of other City utilities; (3) go into executive session to consider matters pertaining to issues of competition in providing these facilities and services; (4) establish and delegate to a Council-appointed board or commission some or all of the Council's governing authority and powers granted in this Charter amendment, but not the power to issue securities and other debt; and (5) delegate to the City Manager some or all of Council's authority to set customer charges for telecommunication facilities and services?

_____ Yes/For

_____ No/Against

District Court Judge _____