

ORDINANCE NO. 088, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-31 OF THE CODE OF THE CITY OF FORT
COLLINS CONCERNING EXECUTIVE SESSIONS PERTAINING TO
TELECOMMUNICATION FACILITIES AND SERVICES

WHEREAS, on July 20, 1993, the City Council adopted Ordinance No. 060, 1993 establishing the City's Electric Utility as an enterprise of the City under Section 20 of Article X of the Colorado Constitution (the "Electric Utility Enterprise"); and

WHEREAS, at a special election on November 3, 2015, City voters authorized the City to provide high-speed internet services, including, without limitation, high-bandwidth broadband services, telecommunications services, and/or cable television services within the City's growth management area; and

WHEREAS, at a special election on November 7, 2017, City voters approved an amendment to the City Charter, which has added a new Section 7 to Charter Article XII ("Section 7"); and

WHEREAS, paragraph (a) of Section 7 grants to the City Council the power, by ordinance and without a vote of the electors, to authorize the Electric Utility Enterprise to acquire, construct, provide, fund and contract for "telecommunications facilities and services," including, without limitation, "broadband Internet facilities and services," as both these terms are defined in paragraph (f) of Section 7 ("Telecommunication Facilities and Services"); and

WHEREAS, on January 16, 2018, the City Council adopted Ordinance No. 011, 2018 amending the City Code by adding a new Section 26-398 to Code Chapter 26 to implement this authority granted in Section 7 by authorizing the Electric Utility Enterprise to acquire, construct, provide, fund and contract for Telecommunication Facilities and Services and by authorizing the Electric Utility Enterprise to exercise the power to issue revenue bonds to fund the provision of Telecommunication Facilities and Services as provided in paragraph (b) of Section 7; and

WHEREAS, Ordinance No. 011, 2018 also amended Code Sections 2-504 and 26-21 to delegate to the City Manager the direct responsibility to administer and supervise the Electric Utility Enterprise's provision of Telecommunication Facilities and Services and to make other changes to the administration of Utility Services in light of this new assignment of direct responsibility to the City Manager; and

WHEREAS, on January 16, 2018, the City Council also adopted Ordinance No. 010, 2018, to appropriate \$1.8 million from the City's General Fund as a loan to the City's Light and Power Fund to be used by the Electricity Utility for its start-up costs related to providing Telecommunication Facilities and Services; and

WHEREAS, Ordinance No. 011, 2018 also amended Code Section 8-77 to provide that the City's revenues, debt issuance proceeds and expenditures related to Telecommunication Facilities

and Services shall be deposited, expended and administered through the City's Light and Power Fund; and

WHEREAS, the City Council now desires to amend City Code Section 2-31 regarding executive sessions to implement the authority of the Council, and any board or commission established under Section 7(e), to go into executive session to consider matters pertaining to issues of competition in providing Telecommunications Facilities and Services; and

WHEREAS, the City Council hereby finds that this Ordinance is necessary for the public's health, safety and welfare and is in the best interests of the City and its residents, businesses, and public and private organizations and of the Electric Utility's ratepayers.


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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That City Code Section 2-31(a) of the Code of the City of Fort Collins is hereby amended by the addition of a new subsection (5) which reads in its entirety as follows:

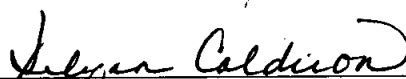
(5) Consideration, by the Council or any board or commission established under Article XII, Section 7(e) of the City Charter, of matters pertaining to issues of competition in providing the telecommunication facilities and services authorized in Article XII, Section 7 of the City Charter and City Code Section 26-398 including, without limitation, matters subject to negotiation, strategic planning, pricing, sales and marketing, development phasing and any other matter allowed under Colorado law.

Introduced, considered favorably on first reading, and ordered published this 3rd day of July, A.D. 2018, and to be presented for final passage on the 17th day of July, A.D. 2018.



Mayor


ATTEST:



City Clerk



Passed and adopted on final reading on the 17th day of July, A.D. 2018.



Mayor Pro Tem

ATTEST:



City Clerk

