

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4828

AN ORDINANCE PLACING CHARTER AMENDMENTS TO COMPLY WITH
FEDERAL LAW GOVERNING RENEWAL OF CABLE TELEVISION FRANCHISES
AND TO CHANGE THE AUTHORIZED LENGTH OF LEASES OF PUBLIC
PROPERTY FROM TWENTY-FIVE TO NINETY-NINE YEARS ON THE ELECTION
BALLOT FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD THE 2ND DAY
OF APRIL, 2019

Recitals.

Pursuant to §151 of the Grand Junction City Charter, the Charter may be amended at any time in the manner provided by Article XX of the Constitution of the State of Colorado, and more than one Charter amendment or measure may be submitted to the voters in any one election.

The City Council has reviewed the City Charter and found that the provision for renewal of cable television franchises is out-of-date and preempted by and/or in conflict with federal law by requiring a vote of the electorate to approve and/or authorize franchise renewal.

The City Council has determined that the provision limiting leases of public property to a term of twenty-five years may be unduly restrictive and that increasing the term from twenty-five to ninety-nine years may benefit the public by allowing the highest and best use of public property and contributing to economic development in the community. Leasing of any public property is permissive and within the sole and sound discretion of the City Council.

Therefore, the City Council desires to present to the City voters two changes to the City Charter, allowing the voters to determine if the changes would be in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

1. That a question of proposed amendment to Section 119 of the Charter to bring the provisions of the Charter governing renewal of cable television franchises into compliance with federal law by eliminating the requirement that a renewal of such franchise be subject to a vote of the electorate, as follows, be placed on the April 2, 2019 ballot. Proposed amendment(s) are shown with underlined text:

119. Amendment, Renewal, Extension or Enlargement of Franchise.

No amendment, renewal, extension or enlargement of any franchise, or grant of rights or powers previously or heretofore granted to any corporation, persons, or association of persons, shall be made except in the manner and subject to all conditions provided in

this article for the making of original grants and franchises, except that renewal of any cable television franchise shall not be subject to a vote of the registered electors, but shall be made in accordance with applicable federal law.

City of Grand Junction __

Shall there be amendment to the Grand Junction City Charter Section 119 concerning the process for renewal of cable television franchises in the City to bring the Charter provision into compliance with federal law by eliminating the requirement that such renewal be subject to a vote of the electorate?

_____ FOR THE AMENDMENT

_____ AGAINST THE AMENDMENT

2. That a question of proposed amendment to Section 124 of the Charter to increase the length of the allowed term of lease of public property from twenty-five to ninety-nine years, as follows, be placed on the April 2, 2019 ballot:

124. Term Not Longer Than Twenty-Five Years--Compensation.

No franchise, lease or right to use the streets or the public places, or property of the city, shall be granted by the city, except as in this Charter provided, for a longer period than ~~twenty-five~~ ninety-nine years. Every grant of a franchise shall fix the amount and manner of the 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, but this provision shall not exempt the grantee from any lawful taxation upon his or its property, nor from any licenses, charges, or impositions not levied on account of such use.

City of Grand Junction __

Shall there be an amendment to the Grand Junction City Charter Section 124 increasing the authorized term for lease of public property from twenty-five to ninety-nine years?

_____ FOR THE AMENDMENT

_____ AGAINST THE AMENDMENT

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED THIS 19TH DAY OF DECEMBER, 2018.

PASSED AND ADOPTED THIS 16TH DAY OF JANUARY, 2019.



Barbara Traylor Smith
President of the City Council

Attest:



Wanda Winkelmann
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4828 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 19th day of December, 2018 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 16th day of January, 2019, at which Ordinance No. 4828 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of January, 2019.



Deputy City Clerk

Published: December 21, 2018
Published: January 18, 2019
Effective: February 17, 2019

