

COPY

TOWN OF TIMNATH

ORDINANCE NO. 4-2006

**AN EMERGENCY ORDINANCE TO BE REFERRED TO
THE VOTERS OF TIMNATH, AUTHORIZING THE
TOWN TO PROVIDE CABLE TELEVISION SERVICE,
TELECOMMUNICATIONS SERVICE OR ADVANCED
SERVICE**

WHEREAS, §31-11-111(2), C.R.S. provides that the legislative body of any municipality may, without receipt of any petition, submit any proposed or adopted ordinance or resolution or any question to a vote of the registered electors of the municipality. The legislative body of the municipality or its designee shall fix a ballot title for the referred measure; and

WHEREAS, §29-27-201, C.R.S. provides at Section (1) that before a local government may engage or offer to engage in providing cable television service, telecommunications service, or advanced service, an election shall be called on whether or not the local government shall provide the proposed cable television service, telecommunications service, or advanced service; and

WHEREAS, §29-27-102(2), C.R.S. defines advanced service as meaning high-speed internet access capability in excess of two hundred fifty-six kilobits per second both upstream and downstream, defines Cable television service as meaning the one-way transmission to subscribers of video programming or other programming service, as well as subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service and defines Telecommunications service as meaning the electronic or optical transmission of information between separate points by prearranged means; and

WHEREAS, §29-27-201, C.R.S. provides at Section (2) that the ballot at an election authorizing a local government to provide cable television service, telecommunications service, or advanced service, shall pose the question as a single subject and shall include a description of the nature of the proposed service, the role that the local government will have in provision of the service, and the intended subscribers of such service; and the ballot proposition shall not take effect until submitted to the electors and approved by the majority of those voting on the ballot; and

WHEREAS, the Board of Trustees of the Town of Timnath (the "Board") is exploring the potential of the provision of wireless internet services throughout the Town of Timnath (the "Town").

NOW, THEREFORE, BE IT ORDAINED by the Trustees of the Town of Timnath, Colorado, that:

Section 1. Ballot Question. The following question shall be placed on the April 4, 2006, General Election ballot, for voter consideration:

SHALL THE TOWN OF TIMNATH, COLORADO BE AUTHORIZED TO PROVIDE CABLE TELEVISION SERVICE, TELECOMMUNICATIONS SERVICE, OR ADVANCED SERVICE AS DEFINED IN ARTICLE 29, TITLE 27 OF THE COLORADO REVISED STATUTES, INCLUDING THE PROVISION OF HIGH SPEED WIRELESS INTERNET SERVICES, TO THE RESIDENTS OF THE TOWN OF TIMNATH, COLORADO, AS INTENDED SUBSCRIBERS, WITH THE TOWN BEING AUTHORIZED INDEPENDENTLY OR IN CONCERT WITH OTHERS TO PROVIDE ALL OR ANY OF THE PROPOSED SCOPE OF SERVICES.

FOR THE MEASURE _____
AGAINST THE MEASURE _____

Section 2. Submission to Election. The Town Clerk shall place the referred question on the ballot and take all other steps as may be necessary and required by applicable law to present the matter to the voters of the Town.

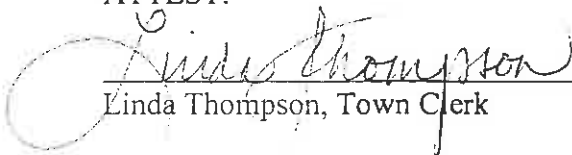
Section 3. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portions thereof are hereby repealed to the extent of such inconsistency or conflict.


Section 4. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.


Section 5. Safety. This Ordinance is deemed necessary for the immediate preservation of the public peace, health or safety of the community.

INTRODUCED, READ, PASSED AND ADOPTED BY A VOTE OF THREE FOURTHS OF ALL THE MEMBERS OF THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH AS AN EMERGENCY ORDINANCE PURSUANT TO CRS §31-11-105(1) AND ORDERED PUBLISHED THIS 1ST DAY OF FEBRUARY, 2006.

ATTEST:


Linda Thompson, Town Clerk


Donna Benson, Mayor



The seal is circular with a double border. The outer border contains the text "TOWN OF TIMNATH" at the top and "COLORADO" at the bottom. The inner border contains the text "SEAL" in the center.

