

CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER STITES  
Council Bill No. 26  
Ordinance No. 1498

Series 2011

**TITLE: AN ORDINANCE SUBMITTING A PROPOSED AMENDMENT TO THE WHEAT RIDGE HOME RULE CHARTER TO THE VOTERS OF THE CITY PURSUANT TO CHARTER SECTION 16.8 (b), SETTING THE BALLOT TITLE AND GIVING NOTICE AND CALL OF AN ELECTION CONCERNING THE SAME**

**WHEREAS**, Section 16.8 (b) of the City Charter ("Charter") of the City of Wheat Ridge ("City") permits the City Council to initiate Charter amendments; and

**WHEREAS**, the City Council wishes to place before the voters at the November 1, 2011 coordinated election a ballot question to amend Section 15.6 of the City Charter concerning the granting of cable franchises; and

**WHEREAS**, the Section 15.6 of the Charter requires that any grant of a franchise shall be approved by a vote of the majority of the registered electors voting thereon; and

**WHEREAS**, the current state of federal statutory and case law prohibits local jurisdictions from unreasonably refusing to grant a cable franchise; and

**WHEREAS**, the City Council has determined that requiring an election on the granting of a cable franchise may result in the unreasonable denial of a new cable franchise.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1. Text of Amendment.** Pursuant to Charter Section 16.8 (b), the following proposed amendment to the Wheat Ridge Home Rule Charter is hereby submitted to the voters of the City for consideration at the coordinated election to be held November 1, 2011.

Amend Charter Section 15.6 (a) as follows:

**Sec. 15.6. Granting of franchises.**

- (a) WITH THE EXCEPTION OF CABLE FRANCHISES, No franchise shall be granted except upon approval by a majority of the registered electors voting thereon.

**Section 2. Ballot Title and Question.** The ballot title and ballot question for the proposed Charter amendment shall read as follows:

Ballot Title:

AMENDING SECTION 15.6 (a) OF THE CITY OF WHEAT RIDGE HOME RULE CHARTER TO PROVIDE THAT NO ELECTION SHALL BE REQUIRED FOR THE GRANTING OF A CABLE FRANCHISE.

Ballot Question:

SHALL SECTION 15.6 (a) THE HOME RULE CHARTER OF THE CITY OF WHEAT RIDGE, COLORADO, BE AMENDED TO PROVIDE THAT NO ELECTION SHALL BE REQUIRED FOR THE GRANTING OF CABLE FRANCHISES, THEREBY ENSURING COMPLIANCE WITH FEDERAL LAW?

YES: \_\_\_\_ NO: \_\_\_\_

**Section 3. Notice and Call of Election.** Pursuant to Charter Section 16.8, the Council hereby directs the City Clerk to give notice of and call an election upon the proposed amendment. The election on the proposed amendment shall be coordinated with Jefferson County as part of the November 1, 2011 election.

**Section 4. Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

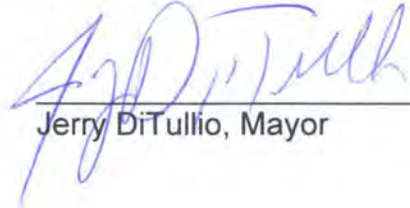
**Section 5. Effective Date.** This Ordinance shall take effect upon adoption, as permitted by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 8th day of August, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for August 22<sup>nd</sup> 2011 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.


**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 22<sup>nd</sup> day of August, 2011.

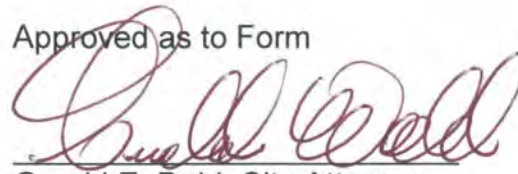


SIGNED by the Mayor on this 22<sup>nd</sup> day of August, 2011.

  
\_\_\_\_\_  
Jerry DiTullio, Mayor

ATTEST:

  
\_\_\_\_\_  
Michael Snow, City Clerk

Approved as to Form  
  
\_\_\_\_\_  
Gerald E. Dahl, City Attorney

First Publication: August 11, 2011  
Second Publication: August 25, 2011  
Wheat Ridge Transcript  
Effective Date: August 22, 2011