

**CITY OF RIFLE, COLORADO**  
**ORDINANCE NO. 17**  
**SERIES OF 2022**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REFERRING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, A QUESTION WHETHER SECTION 12.2 OF THE CITY CHARTER SHALL BE REPEALED AND REENACTED TO ALLOW THE CITY COUNCIL TO APPROVE FRANCHISE AGREEMENTS WITH AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL.

WHEREAS, the City of Rifle (the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 12.2 of the Charter states that no franchise shall be granted except upon the affirmative vote of a majority of the qualified electors voting thereon at a special election called for that purpose; and

WHEREAS, the City’s existing franchise agreements for electric, natural gas and cable are with regulated monopolies with no competition; and

WHEREAS, holding an election for franchise agreements is administratively burdensome and provides no public benefit since no alternatives for these necessary services exist; and

WHEREAS, statutory municipalities are authorized to approve franchise agreements by ordinance and no modern home-rule charter requires a vote on franchises as such requirement is antiquated; and

WHEREAS, the City Council desires to submit to the registered electors of the City at the coordinated election to be held on November 8, 2022, a ballot question to amend Section 12.2 of the Charter to authorize the City Council to approve franchises in the City with an affirmative vote of at least five members of Council.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO ORDAINS THAT:

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.
2. Submission to Voters. The following question stated in Section 3 below shall be submitted to the registered voters of the City of Rifle voting at the coordinated election which shall be held on Tuesday, November 8, 2022.

3. Ballot Form. The City Clerk shall add the question to the City's 2022 Municipal Election Ballot in substantially the following form:

**SHALL SECTION 12.2 OF THE CITY OF RIFLE HOME RULE CHARTER BE REPEALED AND REPLACED TO READ AS FOLLOWS:**

**12.2 – GRANTING OF FRANCHISES**

**No franchise shall be granted except by an ordinance passed with an affirmative vote of at least five members of Council. If an ordinance granting a franchise is put to voter approval pursuant to the initiative or referendum process, the proposed franchisee shall pay the expense of such election. In no event shall an exclusive franchise ever be granted.**

**YES \_\_\_\_\_**

**NO \_\_\_\_\_**

4. Amendment to Rifle Home Rule Charter. Subject to registered voter approval, Section 12.2 of the City of Rifle Home Rule Charter shall be amended to be consistent with the ballot question language in Section 3 above.

5. Severability. If any clause or provision of this ordinance is held to be invalid or unenforceable, the invalidity or unenforceability of the clause or provisions will not affect the validity of any of the remaining clauses or provisions of this ordinance, which, upon the date that it is to take effect, will become, and remain thereafter, in full force and effect.

6. Invalidity. If this ordinance does not for any reason become effective, or is declared invalid by a court, the provisions of this ordinance will have no force or effect, and all other acts, orders, or ordinances of the City will continue to be effective as if this ordinance was never adopted.

INTRODUCED on \_\_\_\_\_, 2022, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on \_\_\_\_\_, 2022, passed with amendments, approved, and ordered published in full as required by the Charter.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF RIFLE, COLORADO

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk