



Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

**Delta City Council
Regular Meeting**

**August 18, 2015
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Sales & Use Tax License #2659; Affordable Appliance, LLC**
- F. Agreement Approval for Mercer Group**
- G. Ordinance #6, 2015; First Reading
2010 Model Traffic Code**
- H. Ordinance #7, 2015; First Reading
Liquor Tastings**
- I. Resolution #2, 2015; Setting Ballot Language**
- J. City Attorney Comments**
- K. City Manager Comments**
- L. Councilmember Comments**

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black and City Attorney David McConaughy. Absent were Councilmember Robert Jurca and Bill Raley. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

Removal of item titled "Approval of Recruiting Firm".

Minutes

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the minutes of the July 21, 2015 regular meeting and the July 28, 2015 special meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

**Hotel/Restaurant Liquor License Transfer of Ownership;
DAVine Venture, LLC dba Cynthia's**

The Clerk stated that DAVine Venture, LLC dba Cynthia's has submitted a hotel and restaurant liquor license transfer of ownership. The application states that DAVine Venture, LLC is requesting the liquor license of Gerhard's be transferred to DAVine Venture, LLC. The location of the restaurant is 820 Hwy 92 in Delta. The application states that Deon Appelgryn is the sole owner of DAVine Venture, LLC. Mr. Appelgryn has been subject to a background investigation through the Colorado Bureau of Investigation and no record was found. The application is complete and all fees have been paid. Staff is recommending the hotel and restaurant liquor license be transferred from Delta Fireside Inn, Inc dba Gerhard's to DAVine Venture, LLC dba Cynthia's.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the hotel/restaurant liquor transfer of ownership from Delta Fireside Inn, Inc. dba Gerhard's to DAVine Venture, LLC dba Cynthia's. All in favor, motion carried.

**Hotel/Restaurant Liquor License Renewal;
Maa Delta Sundance Hospitality, LLC dba Days Inn Sundance**

The Clerk reported that Days Inn Sundance has submitted their hotel/restaurant liquor license renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

Regular Meeting, Delta City Council, August 4, 2015 (cont.)

**Hotel/Restaurant Liquor License Renewal;
Maa Delta Sundance Hospitality, LLC dba Days Inn Sundance (cont.)**

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the hotel/restaurant liquor license renewal for Days Inn Sundance. All in favor, motion carried.

**3.2% Beer Off Premises Liquor Renewal;
Dillon Companies, Inc. dba City Market #4**

The Clerk stated that City Market #4 has submitted their 3.2% Beer Off Premises Liquor License renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the 3.2% Beer Off Premises Liquor License for City Market #4. All in favor, motion carried.

Update on Negotiations with Stantec and Approval to Submit Complain with the Delta District Court

City Attorney David McConaughy stated that a demand letter was sent to Stantec last Thursday and Stantec has not yet responded. He suggested Council pass a motion authorizing the City Attorney to file the complaint with the District Court; however should Stantec begin to negotiate the attorney's office will wait to file the complaint.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to authorize the City Attorney to file a complaint on Stantec with the District Court. All in favor, motion carried.

Approval to Purchase Bleachers for Recreation Center

Parks, Recreation and Culture Director Wilma Erven stated that the recreation center is in need of bleachers. She explained the current condition of the existing bleachers. Staff did receive some bids. This is not a budgeted item; however, the tot pool sander replacement had a savings of \$25,000 which could be used for the bleachers.

Councilmember Penick questioned if this is a high priority.

Director Erven stated she believes it is because of the safety of staff and the citizens with the current condition of the existing bleachers.

There was discussion regarding the type of bleachers that would be installed.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the low bid from Bleacher Restorators of Colorado for \$23,631 to replace the bleachers at the recreation center. All in favor, motion carried.

Regular Meeting, Delta City Council, August 4, 2015 (cont.)

Intergovernmental Agreement with the Delta County Clerk & Recorder for the November 3, 2015 Election

The Clerk reported that the intergovernmental agreement (IGA) with the Delta County Clerk & Recorder for the conduct of the November 3, 2015 Coordinated Election is now being presented for approval. The IGA is required to participate in the election. This form of the IGA has been used for the past few elections and there are no changes.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to authorize the City Clerk to sign the IGA with the Delta County Clerk & Recorder for the November 3, 2015 Coordinated election. All in favor, motion carried.

City Attorney Comments

Attorney McConaughy stated that he met with staff regarding the sign code. He will prepare a draft ordinance to present to Council.

City Manager Comments

There were none.

Councilmember Comments

Councilmember Cooper commented on the presentation at the work session regarding the 2nd quarter financials. She stated that Delta County Economic Development has been doing a great job in recruiting new businesses.

Councilmember Penick questioned when the budget process would begin.

Manager Black stated that staff has begun the budget process and the work sessions with Council will begin in September.

The meeting was adjourned at 7:16 p.m.

Jolene E. Nelson, CMC, City Clerk

Mayor Ed Sisson called the meeting to order at 5:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Selection of Recruiting Firm

Council reviewed the proposals that were submitted from recruiting firms for the City Manager selection.

There was discussion with Mercer Group regarding their hybrid option. Mercer Group will send a revised proposal with the hybrid option.

City Manager Glen Black suggested Council review the previous ads and discuss the salary options.

There was consensus to list the salary range as \$102,000 to \$120,000. There were no other suggested changes.

The meeting was adjourned at 5:55 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



CITY OF DELTA

NOTICE OF HEARING

In the matter of)
 the revocation of) NOTICE OF HEARING
 the Delta Municipal Sales and Use Tax License of)

Affordable Appliance LLC
 339 Main Street
 DELTA, COLORADO 81416

SALES & USE TAX LICENSE #2659

To: Preston Hammett

You are hereby notified that a hearing will be held before the Delta City Council at 360 Main Street, Delta, Colorado on the 18th, day of August 2015 at 7:00 PM. The purpose of this hearing is to determine whether your license to engage in the business of selling at retail should be revoked. The hearing has been called, because there is probable cause to believe that you are in violation of provisions of the Delta Municipal Sales and Use Tax Ordinance as found in Chapter 3.04 of the Delta Municipal Code.

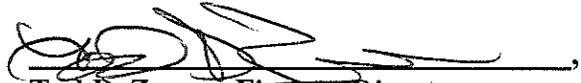
Specifically, there is probable cause that:

You have been delinquent in filing returns or paying the sales tax, penalty and interest due, in accordance with the Delta Municipal Sales and Use Tax Ordinance for the period(s) of January 2015 through June 2015.

You may appear at the hearing to show cause why your license should not be suspended or revoked. You may be represented by counsel at the hearing. You may testify on your own behalf or present other witnesses, and shall have the right to cross-examine any adverse witnesses. Subpoenas will be issued if requested.

Issued this 7th, day of August 2015 in the City of Delta, Colorado.

CITY OF DELTA, COLORADO


 Tod DeZeeuw, Finance Director

The undersigned states that a copy of the within NOTICE OF HEARING was served upon LYNETTE M. HAMMETT by handing him and/or her a copy or leaving a copy

hereof with _____ on Aug 7, 2015
 at 1500

Chief Robert Thomas,
 Serving Officer

MEMO

To: Mayor and City Council
From: Glen L. Black, City Manager
Date: August 18, 2015
Subject: Agreement with Mercer Group



Office of the City Clerk

Recommendation:

Staff recommends that City Council accept the agreement with Mercer Group for the City Manager search and authorize the Mayor to sign said agreement.

Background:

At the August 11, 2015 special meeting, Council reviewed three proposals that were submitted from various recruiting firms regarding the City Manager search. Council directed staff to contact Mercer Group to get more information and proposal on the hybrid option. Staff has received that proposal and is now before the Council for consideration.

Cost:

The services outlined to recruit the new City Manager is a lump sum fee of **\$12,600** plus not-to-exceed direct expenses of **\$2,500**.

Alignment With Strategic Planning:

The Charter states under Article 1 ... "by this Charter shall be known as the "COUNCIL-MANAGER" government." It also states under Article 2 "The Council shall appoint a City Manager who shall have the powers and perform the duties in this Charter provided."

Actions To Be Taken if Approved:

The Mayor will sign the agreement and forward on to Mercer Group to begin the process of the City Manager search.



Proposal for Executive Recruitment Services

for the Position of

CITY MANAGER

August 13, 2015

THE MERCER GROUP, INC.

Colorado Office

164 Goose Lane
Carbondale, CO 81623
TEL/FAX: 970-963-0752



The Mercer Group, Inc.

Consultants to Management

164 Goose Lane
Carbondale, CO 81623
970-963-0752

gsuiter@mercergroupinc.com
www.mercergroupinc.com

August 13, 2015

Mayor and City Council
City of Delta
360 Main Street
Delta, CO 81416

Dear Mayor and Council Members:

The Mercer Group is pleased to submit this proposal in response to your need for a City Manager. We specialize in recruitment for Colorado cities and are very familiar with the City of Delta and with the network of elected officials and managers throughout the region. We are well-experienced and deliberate in determining the standards expected by elected officials, and are also familiar with Colorado law regarding confidentiality, open meetings and public information. Our guarantee is for a 24-month period following the date of placement.

I will be the team leader and primary contact for this project, and will be assisted by Fran Suiter, Mercer Group Vice President, who will provide technical/administrative support and background research throughout the process. We will also call upon other Mercer associates to establish search networks and channels nationwide.

Thank you for the opportunity to respond to this important recruitment. It would be our pleasure to work with you. Please call us at (970) 963-0752 or email us at gsuiter@mercergroupinc.com with any questions.

Sincerely Yours,

THE MERCER GROUP, INC.

Gary Suiter
Senior Vice President

Qualifications/Experience/Credentials

Background

The City of Delta is located on the western slope of Colorado and is approximately 40 miles south of Grand Junction and 20 miles north of Montrose. Delta is the County seat and commercial center for Delta County. U.S. Highway 50 runs through the center of town, and two state Highways, 348 and 92, converge on Highway 50 in the downtown area. The Uncompahgre River and the Gunnison River meet at Confluence Park. Delta received its name because of its location where the Gunnison River and the Uncompahgre River intersect.

According to the 2010 census, the population of Delta is 8,915 people. Delta sits at an elevation of 4,990 feet at the base of the Grand Mesa, which is one of the world's largest flat top mountains.

Delta is known as the "City of Murals" and has several murals painted on the side of buildings throughout town, demonstrating Delta's love for public art.

The mission of the City of Delta is to "preserve and enhance our community through collaborative efforts providing services that improve quality of life."

It is our understanding that:

- It is the intention of the City Council to provide an efficient, deliberate selection process for the new City Manager using assistance from a professional search firm.
- Services proposed include assisting staff with preparation of a position profile; nationwide recruitment for the position; inviting potential candidates to apply; reviewing and screening applications; conducting preliminary interviews and background checks of selected candidates; recommending a list of final candidates; attending finalist interviews; communicating throughout the process; and assisting with employment contract negotiations.
- The City wishes to conduct a comprehensive national recruitment process, to ensure the best-qualified candidates are found and that the best-suited individuals are considered for the position.

We are confident that The Mercer Group will be able to draw from among the finest municipal management professionals nationally for this critical position, thereby creating long-term stability for the City of Delta.

Firm Qualifications

The Mercer Group is an independent management-consulting firm incorporated in the State of Georgia and operating nationwide as a consortium of independent consultants. James L. Mercer, a long-term public management consultant, founded the firm in 1990.

Through its consortium of highly skilled professional consultants, The Mercer Group provides exceptionally high quality management consulting services to state and local governments, transit authorities, health care providers, utilities, special districts, and private sector clients. Our key consultants have conducted successful searches for hundreds of public sector organizations nationally and can offer numerous references as testimony of our work. Public sector clients constitute over 90% of our business.

James Mercer has conducted or assisted in the conduct of more than 250 successful executive searches in recent years. He is the Chief Executive Officer of our firm and is located at our Santa Fe office.

Resumes of Our Team

Gary Suiter, Senior Vice President and Primary Contact

Gary Suiter is the owner of Suiter & Associates, LLC, a management-consulting firm that specializes in municipal governance and is a part of the Mercer Group consortium. He has a distinguished career in local government of over 30 years, serving in chief executive positions in Colorado, which included city, county, airport, and emergency preparedness management positions in rural, urban, and resort communities. Since starting his own consulting firm in 2002, he has assisted many municipalities and organizations throughout the Rocky Mountain West with executive recruitment, strategic planning, group retreats, major land use applications, annexations, organizational analysis, and performance measurement. You will note his extensive client list on the company website at www.suiterassociates.com. He affiliated with The Mercer Group in 2010 and is conducting executive searches for local governments in the western U.S.

Mr. Suiter is recognized as a leader in the local government management profession and has served as President of the Board of the Colorado City and County Management Association. Following are some of his accomplishments:

- Recently designed and conducted multiple executive recruitments (Arvada, Aurora, CML, Erie, Estes Park, Littleton, NFRMPO, Sheridan, Mesa County, and others in New Mexico and Washington State).
- Facilitated many retreats for City Councils and their staff, enabling them to develop specific goals and implementation strategies for more effective governance.
- Served as Interim City Manager for Castle Pines, Salida, Rifle, Minturn, Snowmass Village, and Berthoud, CO.
- Provided leadership training for Mayors and Elected Officials and staff through CML.
- Performed multiple organizational assessments to improve business systems, communication, and overall team effectiveness.
- Developed Performance Standards and Specific Objectives (for cities and other clients), thereby benchmarking employee performance and increasing organizational efficiency.

Mr. Suiter's primary objective is to provide *added value* to his clients through expert executive recruitment, strategic planning, and management consulting services. He is available immediately to assist with this effort. His contact information is as follows:

Gary Suiter, Senior Vice President
The Mercer Group, Inc.
164 Goose Lane
Carbondale, CO 81623
Telephone/Fax: 970-963-0752
Mobile: 970-274-0176
Email: gsuiter@mercergroupinc.com
Website: mercergroupinc.com
Website: www.suiterassociates.com

Fran Suiter, Technical and Administrative Support

Fran Suiter has 25 years of experience in the management and human resource fields. Her expertise is in staff training, program design, HR analysis and management. She was a Human Resource Director in the non-profit sector and is Vice President of the Mercer Group's Carbondale office. Ms. Suiter possesses a B.A. in English from Metropolitan State College, Denver, CO.

Strategy and Implementation Plan

Objectives

The objectives that we propose in order to help find the best-qualified candidates for the position are as follows:

- Assist City staff with development of the position profile.
- To encourage top-level people to apply who might otherwise be reluctant to respond to an advertisement.
- To save a considerable amount of the Council's and staff's time in and reviewing applicants.
- To comply with appropriate personnel regulations and laws (e.g. EEO, ADA, CORA, etc.).
- To independently and objectively assess the qualifications and suitability of candidates for the position.
- To recommend a pool of leading candidates to the City Council.
- To help coordinate finalist candidate interviews with the Council and others, as appropriate.
- To respond to all candidate inquiries and produce all correspondence throughout the search.
- To preserve the confidentiality of inquiries to the degree possible under Colorado law.
- To assist the City Council in reaching a final decision and negotiating a contract.
- To keep the Council closely involved in key decisions and informed of our progress.

Approach

Our approach and style are interactive. That is, we form a partnership with our client early on to conduct the project. The staff and others that you may ask to participate in the process will benefit by gaining more in-depth knowledge and understanding of the professional screening process and selection of candidates, thereby creating ease of implementation.

Work Plan

We recommend a seven (7)-step search process as follows:

1. Position Analysis

We will provide staff with sample position profiles from other recruitments, as well as a Council Questionnaire to solicit input from the City Council members. Council will provide their input to staff and staff will prepare a draft position profile and review it with the Council in order to arrive at a general agreement regarding the specifications for the position. The consultant will participate in a conference call (or Skype call) with the City Council to discuss the attributes and experience of the ideal candidate, or to help resolve any disagreements that might arise in development of the position profile.

The final position profile should include information about the City, the community, major issues to be faced, the position, and the selection criteria established. Position profiles should be thoroughly informative to prospective candidates.

2. Recruitment Process

We will review our database to determine those candidates whom we may already know and/or already have on file who may meet the City's specifications. We will also utilize on our own contacts in the municipal management field and on our own experience. In other words, through "networking" (not just advertising), we will conduct a nation-wide professional search for the best qualified candidates and invite them to apply for the position. The Position Profile is a very effective tool during this phase of direct recruitment. In addition, The Mercer Group will have a booth at the ICMA conference in Seattle (at the end of September) and we will actively recruit for this position throughout the conference.

We will also provide the staff and Council with advertising alternatives. The City will place and pay for ads in professional journals, national, regional and local web sites, and other channels to

encourage applicants to apply. We can also recommend professional sources that are relied upon by minority and women candidates.

3. Resume Review

We will review and analyze each applicant's background and experience against the job description and the position profile criteria. We will acknowledge all resumes received and keep applicants informed of their status.

4. Candidate Screening

Criteria for the preliminary screening will be contained in the Position Profile. Screening of candidates against those criteria will be based on data contained in the resumes and other data provided by the candidates and on our knowledge of the organizations in which they work. At this stage, each must meet the minimum qualifications specified in the Position Profile.

We will be responsible for screening the applications received. This next level of screening will be conducted with a group of 12-15 leading candidates in person, by telephone, or other methods such as FaceTime or Skype.

Once the screening process is completed, we will select 6-8 leading candidates who most closely match the criteria established by the City Council. The output of this step will be a matrix display of leading candidates showing how each rates against the selection criteria established by the Council (Exhibit I). This matrix will be reviewed with the Council and guidance obtained prior to proceeding. It will include "thumbnail" comments about each proposed finalist with respect to some of the key selection criteria, and we will include the *resumes* of the proposed leading candidates. City staff will provide copies of these documents to the City Council.

Our report will be presented in a meeting with the City Council in which we will discuss our findings and provide background information on the candidates. We will assist the City to identify a shorter list of those potential finalists who appear to be the most promising to invite for interviews. One contingency here is that the City may not approve of any of the candidates. If that should occur, we would, of course, keep searching until the City's needs are clearly met.

5. Background Investigation Procedures

As part of our process in evaluating your top candidates, we conduct internet background investigations, and may also speak directly to individuals who are now or have previously been in positions to evaluate the candidate's job performance. We also verify past employment difficulties, if any, including any legal action filed against former employers.

As part of our evaluation process, we will conduct criminal background checks, motor vehicle records, and verify undergraduate and graduate college degrees on the finalist. As an additional option, we can arrange for credit checks and psychological testing of the candidates, if desired. (These may be extra cost items.)

6. Interview Process

Based on the preceding steps, an interview guide and report on the finalists will be compiled. We will prepare a written summary on each finalist. The information will cover, but not be limited to, 1) present position, 2) total years of experience, 3) salary requirements, 4) education, 5) previous positions held, 6) notable projects, 7) management style, 8) skills and abilities, and 9) general observations. This information will be provided to staff, and copied or provided to the City Council in a detailed format combined with the results of the background investigation and candidate screening.

We will provide sample questions and a rating form for the interviews. Targeted questions will be recommended relating to Delta's issues, management concepts and competencies, as well as work experience.

We will also provide the Council with our recommendations relative to timing, sequencing, location, setting, format, and conduct of interviews with the finalists.

During the time candidates are in Delta for interviews, it will be effective to schedule a reception for employees and other City leaders to meet the candidates. Such a reception would be arranged informally at a convenient time and place. A tour of the city's facilities and community assets often helps the candidates gain their bearings about the community. City Councils and staff often gain valuable feedback from those attending and from observing the interactions with the candidates.

We ask the finalist to provide us with a few key references, and build a 360 degree profile to thoroughly evaluate the final candidate. These references and background investigations are combined to provide frank and objective appraisals of the top candidate. Any job offer will be contingent upon a successful background and reference check.

7. Negotiation and Communication

We will gladly assist City Council with contract negotiations with the selected candidate to ensure that employer and employee start off on a positive note. We are familiar with national trends in

compensation and benefits, and will assist the Council in reaching a fair and equitable compensation package with the successful candidate.

Unless otherwise directed, it is our standard practice to tell all media that we are working on behalf of the City of Delta and that any public statement should come directly from the City. We will maintain confidentiality of candidate information, to the extent desired by the City and to the degree possible under Colorado law. We will notify all unsuccessful applicants who were not recommended for interview of the final decision reached.

The City Council will be kept informed and involved in decisions concerning the search process at all times. We will prepare and send periodic reports that describe the progress on the recruitment, and specific steps to be taken to meet the City's deadlines.

Support from the City will be needed, as follows:

- Development of position profile and brochure, including summarized input from the City Council
- Coordination, placement, and payment of ads
- Copying and distribution of consultant information packets to the City Council and others
- Providing budget, organization charts and other documents to the candidates
- Scheduling meeting rooms for finalist interviews
- Transportation arrangements for guided tours
- Candidate expense reimbursements
- Coordinating finalist interview schedules with the City Council members and other participants
- Processing invoices for payment

EXHIBIT I
THE MERCER GROUP, INC.
SAMPLE CANDIDATE EVALUATION MATRIX

<i>A = Significant Experience</i> <i>B = Some Experience</i> <i>C = Insignificant Experience</i>
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CANDIDATE	Selection Evaluation Criteria					
	Work Ethic, Integrity, Accountability, Leadership Skills	Participative Management	Negotiation Skills	Strategic Thinking	Municipal Management Knowledge	Communication Skills
John Jones	A	A	A	A	A	A
Mary Jackson	C	B	A	A	B	A
Juan Perez	B	A	C	B	C	A
Susan Jones	A	C	B	C	C	C
William Jefferson	C	B	C	C	B	A
Linda Chong	B	C	C	C	B	B

Schedule

We recommend a timeline of about 95 days for this process. Following is a suggested schedule:

TASK	2015 TIMELINE
Provide position profile documents to staff and questionnaire to Council	August 20, 21
Council questionnaire responses provided to staff	By August 28
Provide draft Position Profile language to Council	By September 7
Finalize Position Profile and launch recruitment and ad campaign	September 11
Application deadline	October 5
Deliver Report of Leading Candidates to the City	October 19
Meet with City Council to select finalists and discuss interview process	October 27
Deliver Final Report and Interview Guide to City and prepare interview arrangements	By November 6
Finalist Interviews	Week of November 9 or 16

This schedule may be altered in order to meet the City's requirements.

Fee Proposal

Our professional fee for the services outlined to recruit the new City Manager is a lump sum fee of \$12,600 plus not-to-exceed direct expenses of \$2,500.

With this hybrid approach, the City will be primarily responsible for developing the position profile, with some assistance and guidance from the consultant. The City will place the ads and pay directly for brochure preparation and advertising, thereby playing a more significant role on the front-end of the process, while reducing the consultant's role. All applications will then flow to The Mercer Group and we will be responsible for the national recruitment and screening of all applicants, handling the "back end" of the process through the interviews, contract negotiations and closure.

EXPENSES: Direct expenses are for consultant travel (2 trips to Delta planned), copying (if necessary), and background investigations on the finalist. We charge federal per diem rates for travel, lodging and meals.

The City will pay directly for the advertising costs and brochure design (if necessary). Because of our location in Colorado, expenses will be kept to a minimum. The cost for final candidates to travel to interview with the City Council and staff is not included. The City typically would pay such costs directly to the candidates on a reimbursement basis.

The City of Delta's cost for The Mercer Group, Inc. for services rendered under this agreement will not exceed the agreed upon price unless an increase is authorized by the City in writing. We will submit invoices for fees and expenses. It is our practice to bill one-third at the start of the search, one-third after 30 days, and one-third upon successful negotiation with the Council's selected candidate. Each invoice will be payable upon receipt for professional services. Expenses will be billed in addition and shown as a separate figure.

We will comply with all applicable laws, rules and regulations of federal, state and local government entities. Our ability to carry out the work required will be drawn greatly from our past experience in providing similar services to others, and we expect to continue such work in the future. We will, to the degree possible, preserve the confidential nature of any information received from you or developed during the work in accordance with our professional standards.

We assure you that we will devote our best efforts to carrying out this engagement. The results obtained, our recommendations and any written material provided by us will represent our best judgment based on the information available to us.

ACCEPTANCE

This proposal constitutes the agreement between The Mercer Group and the City of Delta, Colorado. It cannot be modified except in writing by both parties. Our agreement will be interpreted according to the laws of the State of Colorado.

This proposal is hereby accepted in Delta, Colorado by:

SIGNATURE:

NAME:

TITLE:

DATE:

GLENWOOD SPRINGS OFFICE
The Denver Center
420 Seventh Street, Suite 100
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.

ATTORNEYS AT LAW

Since 1975

www.garfieldhecht.com

Haley Carmer
hcarmer@garfieldhecht.com

August 13, 2015

MEMORANDUM

TO: Delta City Council Members

FROM: Haley Carmer, Assistant City Attorney

RE: Ordinance No. 6, 2015 Adopting the 2010 Model Traffic Code (First Reading)

The City of Delta has adopted the Model Traffic Code for Colorado, 2003 Edition. The Colorado Department of Transportation (CDOT) has since promulgated the 2010 Edition of the Model Traffic Code (MTC), a copy of which can be viewed at the following link: <https://www.codot.gov/library/traffic/traffic-manuals-guidelines/fed-state-co-traffic-manuals/model-traffic-code>. In order to adopt the MTC by reference, a copy of the MTC must be available in the City Clerk's office. The City police chief and municipal court judge recommended that the Town adopt the 2010 Edition of the MTC with appropriate amendments to the Municipal Code, and you authorized us to prepare a proposed ordinance for the Council's consideration. Accordingly, enclosed is proposed Ordinance No. 6, 2015, adopting the 2010 Model Traffic Code and amending Chapter 10 of the Delta Municipal Code.

As promulgated, the 2010 MTC contains numerous citation errors. The proposed ordinance corrects those citations as set forth in Exhibit A to the ordinance. Ordinance No. 6, 2015 also deletes certain provisions of the MTC that are inapplicable to the Town and/or conflict with other provisions of the Municipal Code. Finally, the ordinance amends existing sections of Chapter 10.04 of the City's municipal code and adds new sections thereto. The new Chapter 10.04 sections address deletions from and alterations to the MTC that tailor the MTC to fit the City's needs. Additionally, Section 10.04.017 clarifies the penalty procedures applicable to MTC violations.

We have reviewed the proposed MTC and Municipal Code changes with the City police chief and municipal court judge, and they support the proposed changes.

Ordinance No. 6, 2015, was discussed at a work session with City Council on August 4, 2015. At the meeting, Council directed the City Attorney to revise Ord. No. 6, 2015, to include provisions regarding the operation of off-highway vehicles ("OHVs") within the City. Pursuant to C.R.S. § 33-14.5-110(1), the operation of OHVs on public streets, roads, or highways is prohibited unless a "local political subdivision" has "establish[ed] off-highway vehicle routes to permit the operation of off-highway vehicles on city streets." An established OHV route cannot

include any state highway. Accordingly, we have amended Ord. No. 6, 2015, to (1) establish an OHV route within the City and (2) amend Chapter 10 of the City Code to include a new section that regulates OHV use within the City.

Council expressed its desire at the August 4th meeting that OHVs be allowed on any public street within City limits. Accordingly, Section 4 of the amended Ord. No. 6, 2015, establishes an OHV route that includes any public road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the City, excluding only Highway 50, Highway 92, and Highway 348. The amended Ord. No. 6, 2015, also adds section 10.04.018 to the Code. This section sets forth the conditions under which OHV use is permitted within the City.

At its August 18, 2015 meeting, Council needs to decide how old a person must be to operate an OHV within the OHV Route. Council's decision on the age issue will be incorporated into 10.04.018(B). If Council chooses an age below which a person can apply for a driver's license, Council should adopt Ord. No. 6, 2015, subject to the removal of 10.04.018(B)(1). As an alternative, Council could require that all OHV operators have a valid driver's license to operate an OHV, which would eliminate the need to establish the age of persons allowed to operate an OHV. In that case, 10.04.018(B)(1) should remain.

We recommend that Council adopt Ordinance No. 6, 2015, on first reading, subject to the Council-made changes explained in this memorandum.

(Enclosure: revised Ord. No. 6, 2015)

CITY OF DELTA, COLORADO

ORDINANCE #6, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, ADOPTING THE 2010 MODEL TRAFFIC CODE AND AMENDING CHAPTER 10.04 OF THE DELTA MUNICIPAL CODE.

WHEREAS, the Delta City Council (“Council”) has adopted by reference the Model Traffic Code for Colorado, 2003 Edition; and

WHEREAS, Colorado Department of Transportation (“CDOT”) has revised the Model Traffic Code and promulgated the Model Traffic Code for Colorado, 2010 Edition (“2010 Model Code”); and

WHEREAS, the Council is authorized to adopt by reference the 2010 Model Code, as provided in Part 2 of Article 16 of Title 31, C.R.S.; and

WHEREAS, the use of all-terrain and off-highway vehicles (“OHVs”) has increased both within and without the City; and

WHEREAS, subjecting the use of OHVs to the City’s traffic laws is necessary to promote the safe and orderly operation of OHVs; and

WHEREAS, pursuant to C.R.S. §§ 33-14.5-108(1) and 110(1), the City may designate and establish OHV routes, excluding state highways, on which OHVs may be operated and regulate the operation of the same; and

WHEREAS, the Council desires to designate and establish by this Ordinance a designated OHV route; and

WHEREAS, to properly implement the 2010 Model Code and extend the same to OHVs, it is necessary to amend Chapter 10 of the Delta Municipal Code; and

WHEREAS, the Council finds and determines that adopting the 2010 Model Code and subjecting OHV use to the City’s traffic regulations is in the best interest of the public health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the City Council.

2. Adoption by Reference. The Council hereby adopts by reference the 2010 Model code, and appendices thereto, promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, Denver,

Colorado 80222. Said adoption is subject to the modifications set forth in the Municipal Code text amendments identified in Section 4 of this Ordinance. In lieu of full publication of the foregoing, a true and correct copy of the 2010 Model Code shall be available for inspection at the office of the City Clerk.

3. Citation Corrections. The Council finds that there are numerous citation errors throughout the official 2010 Model Code adopted by this Ordinance. As such, the Council approves and incorporates by reference herein the citation corrections listed in Exhibit A attached hereto.

4. OHV Route. By this Ordinance No. 6, 2015, the Council hereby designates an off-highway vehicle route within the City. Said off-highway vehicle route shall include any road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the City, excluding only Highway 50, Highway 92, and Highway 348.

5. Amendment. Chapter 10.04 of the Delta Municipal Code shall be amended as follows with added language underlined and removed language ~~stricken~~. Only those provisions of Chapter 10.04 specifically identified herein are amended by this Ordinance; all other portions and provision of Title 10.04 remain in full force and effect:

10.04.010 Adoption of Model Code.

Subject to Sections 10.04.015, 016, and 017, there is hereby adopted by reference, in its entirety, ~~Articles I and II inclusive of the 2003~~ the 2010 edition of the “Model Traffic Code for Colorado Municipalities,” and appendices thereto (“Model Code”), promulgated and published as such by the Colorado Department of Transportation, ~~Staff, Traffic and Safety and Safety Project Branch, Safety and Traffic Engineering Branch,~~ 4201 East Arkansas Avenue, Denver, Colorado 80222. The subject matter of said Model Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Chapter and the Model Code adopted herein is to provide a system of traffic regulations consistent with State law and generally conforming to similar regulations throughout the State and Nation.

10.040.015 Deletions.

The following provisions of the Model Code are hereby deleted from the Model Code, and the Model Code is adopted subject to said deletions:

(A) Part 1, “TRAFFIC REGULATION-GENERALLY,” Sections 101, Short title and 102, Legislative declaration;

(B) Part 1, “TRAFFIC REGULATION-GENERALLY,” subsection (3) of Section 116 concerning restrictions for minor drivers;

(C) Part 7, “RIGHTS OF WAY”, Section 711, Driving on mountain highways;

(D) Part 12, "PARKING", subsection (9) of Section 1208, Parking privileges for persons with disabilities;

(E) Part 12, "PARKING", Section 1210, Designated areas on private property for authorized vehicles;

(F) Part 14, "OTHER OFFENSES", subsection (9) of Section 1409, Compulsory insurance-penalty-legislative intent;

(G) Part 17, "PENALTIES AND PROCEDURE," Sections 1701 and 1702.;

(H) Part 18, "VEHICLES ABANDONED ON PUBLIC PROPERTY", in its entirety;

(I) Part 19, "SCHOOL BUSES", Section 1904, Regulations for school buses;

(J) Any penalty provisions in the Model Code that conflict with the provisions set forth in Chapter 10.04.017 of this Code are deleted and said Code provision shall control.

10.04.016 Additions and Modifications.

The ~~adopted~~ Model Code is subject to the following additions or modifications:

A. Subsection 3 of Section 114 of the Model Code is amended as to read as follows:

114. Removal of Traffic Hazards.

(3) In the event that any property owner fails or neglects to trim or remove any such tree limb or any such shrub, vine, hedge or other plant within ten (10) days after receipt of written notice from said local authority to do so, said local authority may do or cause to be done the necessary work incident thereto, and said property owner shall reimburse the local authority for the cost of the work performed. Such costs, from the time the same shall become due and payable, shall become and remain a lien on the premises until such costs have been paid to the local authority. This lien on the premises may be foreclosed by an action at law or in equity in the name of the City and in the court having jurisdiction thereof. If the local authority must resort to court action for collection of amounts due, the local authority shall be entitled to its reasonable attorney's fees and other expenses incurred in such action if the local authority prevails. In the event such costs are not paid by the property owner when due, the City Treasurer may certify the amount of the same to the County Treasurer, to be placed on the tax list for the current year, and to be collected in the same manner as other taxes are collected with ten percent (10%) added thereto to defray the costs of collection, pursuant to Section 31-20-105, C.R.S., as amended.

B. Subsection 3 of Section 1205 of the Model Code is amended to read as follows:

1205. Parking at Curb or Edge of Roadway.

(3) On those streets which have been approved and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at an angle to the curb or edge of the roadway indicated by such signs or markings.

C. The following definitions are added to the “Definitions” appendix of the Model Code:

(28.5) “Electrical Assisted Bicycle” means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power, and a top motor speed of 20 miles per hour.

(28.7) “Electric Personal Assistive Mobility Device” or “EPAMD” means a self balancing, non tandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than 750 watts.

(49.5) “Low-Power Scooter” means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(a) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(b) A wattage not exceeding 4,476 if powered by electricity.

The term “low-power scooter” shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility-impaired people who use pedestrian rights of way.

D. The citation corrections identified in Exhibit A to Ord. #6, 2015 adopting the Model Code are incorporated herein by reference.

10.04.017 Penalties.

A. **Penalty Assessment Schedule.** The municipal court for the City of Delta shall promulgate a penalty assessment schedule (“Schedule”) and update said Schedule from time to time as is deemed necessary by the court.

B. **Traffic Infraction.** It is a traffic infraction for any person to violate parts 1 to 3 and 5 to 19 of the Model Code unless such violation is declared otherwise by the Model Code or any other state or local law. Any violation deemed to be a traffic infraction is subject to the standard penalties set forth in the municipal court’s Schedule.

C. **Traffic Offense.** Any violation of the Model Code deemed by the Model Code to be a traffic offense is subject to the standard penalties available to the Delta Municipal Court set forth in Chapters 1.08.010 and 1.08.030 of the Delta Municipal Code.

D. It is expressly provided that a speeding violation of up to 24 miles per hour over the posted speed limit constitutes a traffic infraction and is subject to the penalties as provided in this Chapter.

10.04.018 Off-Highway Vehicles

A. **Definitions.**

1. “Off-Highway Vehicle” or “OHV” shall have the meaning given in C.R.S. § 33-14.5-101, as the same may be amended from time to time.
2. As used in this Section 10.04.018, “OHV Route” means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public right-of-way within the City, excluding only Highway 50, Highway 92, and Highway 348.

B. **OHV Use Permitted:** any person 16 years or older is permitted to operate an off-highway vehicle on, within, and throughout the OHV Route, provided that:

1. The operator of the OHV has in his or her possession a valid motor vehicle driver’s license or operator’s license; and
2. The OHV has been registered and numbered in accordance with Article 14.5 of Title 33 of the Colorado Revised Statutes; and
3. The operator of the OHV has, in full force and effect, an insurance policy covering the OHV that complies with the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes.

It shall be unlawful for any person to operate an off-highway vehicle outside the OHV Route.

C. **Traffic Regulations.** The City’s traffic regulations set forth in this Chapter 17, including the Model Code, shall apply to the operation of OHVs within the City. It expressly acknowledged that it is unlawful for any person to operate an OHV under the influence of alcohol or one or more drugs, or a combination of both, and that such conduct is subject to C.R.S. § 42-4-1301.

6. **Severability.** Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

7. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City’s home rule authority and under the general police power of the City of Delta and that it is promulgated for the protection of health, safety, and welfare of the citizens of the City of Delta. Council further determines that this Ordinance bears a rational relationship to the proper legislative purpose of the Ordinance.

8. Effective Date. This Ordinance shall become effective thirty (30) days after final publication as provided in the City Charter and C.R.S. section 31-16-105.

INTRODUCED on _____, 2015, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the City as required by the Charter.

Mayor

ATTEST:

City Clerk

INTRODUCED a second time at a regular meeting of the Council of the City of Delta, Colorado on _____, 2015, read by title and number, passed with amendments, approved, and ordered published as required by the Charter.

Mayor

ATTEST:

City Clerk

EXHIBIT A
Citation Corrections

The following citations in the 2010 Model Traffic Code are corrected as follows:

1. In Section 223, all references to "section 235(1)(a)" in subsection (1), are modified to read "section 42-4-235(1)(a), C.R.S."
2. In Section 225, subsection (1.5), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."; and the reference in subsection (3) to "section 205(5.5)(a)" is modified to read "section 43-4-205(5.5)(a), C.R.S."
3. In Section 228, subsection (5)(c)(III), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
4. In subsection (4) of Section 229 of, the reference to "section 219" is modified to read "section 42-3-219, C.R.S."
5. In Section 236, subsection (1)(a), the reference to "Code 6" is modified to read "Article 6."
6. In Section 237, subsection (3)(g), the reference to "section 235(1)(a)" is modified to read "section 42-4-235(1)(a), C.R.S."
7. In Section 509, subsection (2)(b), the reference to "section 102(32)" is modified to read "section 42-1-102(32), C.R.S."
8. In Section 613, the reference to "Code 4" is modified to read "Article 4."
9. In Section 805, subsection (5), the reference to "section 110" is modified to read "section 42-4-110, C.R.S." and the reference to "section 111" is modified to read "section 42-4-111, C.R.S."
10. In Section 1012, subsection (2.5)(c), the reference to September 1, 2003, is deleted.
11. In Section 1012, subsection (3)(b), the reference to "section 1701(4)(a)(I)(K)" is modified to read "section 42-4-1701(4)(a)(I)(K), C.R.S."
12. In Section 1208, all references to "section 204(2)" are modified to read "section 42-3-204(2), C.R.S."; all references to "section 204(1)" are modified to read "section 42-3-204(1), C.R.S."; all references to "section 204(1)(b)" are modified to read "section 42-3-204(1)(b), C.R.S."; all references to "section 204" are modified to read "section 42-3-204,

C.R.S."; and all references to "section 102(17)" are modified to read "section 42-1-102(17), C.R.S."

13. In Section 1401, the reference to "section 127" is modified to "section 42-2-127, C.R.S."
14. Section 1402 of reference to "section 127" is modified to "section 42-2-127, C.R.S."
15. In Section 1412, all references to "section 111" are modified to read "section 42-4-111, C.R.S."; the reference to "Code 10" is modified to read "Article 10"; and all references to "section 127" are modified to read "section 42-2-127, C.R.S."
16. In Section 1805, the reference to "Part 1 of Code 6 of this Title" is modified to read "Part 1 of Article 6 of Title 42, C.R.S."; and the reference to "Code 6 of Title 12, C.R.S." is modified to read "Article 6 of Title 12, C.R.S."

ORDINANCE #7, 2015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO AMENDING THE DELTA MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 5.12, "ALCOHOLIC BEVERAGES TASTING PERMITS."

WHEREAS, legislation regarding "tastings" provides that local jurisdictions may opt to issue retail liquor store or liquor-licensed drugstore licenses to conduct "tastings" pursuant to C.R.S. Section 12-47-301; and

WHEREAS, the Delta City Council was requested to allow "tastings" within the City limits of Delta.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as findings of the City Council.

Section 2. A new Chapter 5.12 of the Delta Municipal Code, entitled "Alcoholic Beverage Tasting Permit," is hereby adopted to read as follows:

Chapter 5.12

Alcoholic Beverage Tasting Permit

5.12.010 Alcoholic Beverage Tasting Permit Required

A. The City hereby authorizes tastings to be conducted by retail liquor store or liquor-licensed drugstore licensees in accordance with this section and pursuant to Section 12-47-301, C.R.S, as the term "Tastings" is defined in said Section 12-47-103(37.5). It is unlawful for any person or licensee to conduct tastings within the City unless authorized in accordance with this section. Tastings shall not be authorized until the following prerequisites are fully satisfied, as determined by the City:

1. A retail liquor store or liquor-licensed drugstore that wishes to conduct tastings shall submit an application for a tastings permit to the City Clerk. The City Clerk may reject the application if the applicant fails to establish that the licensee is able to conduct tastings without violating any of the provisions of this section. The City Clerk shall establish the application procedure.

2. The application shall include the name of the liquor-licensed premises, the person who is submitting the notice, and shall indicate the date and time the tastings are to take place.
 - a. The notice must state and affirm that the licensee wishing to conduct such tasting shall do so in accordance with the provisions of this Chapter, and without creating a public safety risk to the surrounding neighborhood.
 - b. The Alcoholic Beverage Tastings Permit shall concurrently with the retail liquor store or liquor-licensed drugstore liquor license.
 - c. Further, the Alcoholic Beverage Tastings Permit must be reapplied for and the permit fee paid on a yearly basis.
3. Tastings authorized pursuant to this section shall be allowed only for a retail liquor store or liquor-licensed drugstore operating within the City whose license is valid and in full force and effect.
4. Tastings, once approved, shall be subject to the following limitations:
 - a. Tastings shall be conducted only by a person who has completed an alcohol server training program that meets the standards established by the Liquor Enforcement Division in the Department of Revenue and who is either a retail liquor store state licensee or a liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises.
 - b. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to state law at a cost that is not less than the laid-in cost of such alcohol.
 - c. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half of one ounce of spirituous liquor.
 - d. Tastings shall not exceed a total of five hours in duration per day, which need not be consecutive.
 - e. Tastings shall be conducted only during the operating hours in which the licensee on whose premises the tastings occur is permitted to sell alcohol beverages, and in no case earlier than 11 a.m. or later than 7 p.m. A Tasting schedule will be required as part of the application process.
 - f. Should the licensee desire to deviate from the tastings schedule as previously provided, the licensee must give the Office of the City Clerk at least 5 days prior notice of desired tastings schedule change.

- g. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.
- h. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
- i. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
- j. The licensee shall not serve more than four individual samples to a patron during a tasting.
- k. Alcohol samples shall be in open containers and shall be provided to a customer free of charge.
- l. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed one hundred four days per year.
- m. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.

5.12.020 Violations

- A. A violation of a limitation specified in subsection (c) herein or of Section 12-47-301, C.R.S. by a retail liquor store or liquor-licensed drugstore licensee, whether by his or her employees, agents, or otherwise, shall be the responsibility of the retail liquor store or liquor-licensed drugstore licensee who is conducting the tasting.
 - 1. A retail liquor store or liquor-licensed drugstore licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee for a violation of any of the provisions of subsection (c) or Section 12-47-301, C.R.S.
 - 2. Nothing in this Chapter shall affect the ability of a Colorado winery licensed pursuant to state law to conduct a tasting pursuant to law.

Section 4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Delta and that it is promulgated for the protection of the health, safety, and welfare of the citizens of the City of Delta. The City Council further determines that this Ordinance bears a rational relationship to the legislation proposed hereof

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after final publication as provided in City Charter and C.R.S. section 31-16-105.

ADOPTED on first reading and ordered published this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

ADOPTED on second and final reading and ordered published this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

A RESOLUTION SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF DELTA AT THE NOVEMBER 3, 2015 COORDINATED ELECTION A BALLOT QUESTION REGARDING WHETHER THE CITY MAY RE-ESTABLISH ITS RIGHT TO PROVIDE TELECOMMUNICATIONS SERVICES, ADVANCED SERVICES, AND CABLE TELEVISION SERVICES EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS

WHEREAS, affordable, reliable, and innovative telecommunications services, advanced services and cable television are essential for residents and businesses in today’s economic environment and for the quality of life; and

WHEREAS, in 2005 the Colorado General Assembly adopted Senate Bill 152, codified at CRS 29-27-101, et seq., which provides that before a local government may provide telecommunications services, advanced services, or cable television services, an election must be held on the questions of whether the local government shall provide the services, and

WHEREAS, the effect of Senate Bill 152 has been to restrict the City’s right to improve the City’s connectivity either through the provision of direct services or through partnerships with the public or private sector; and

WHEREAS, the Council finds re-establishing the City’s telecommunications rights would allow the Delta community the ability to implement local communication solutions to provide needs based access to benefit the residents and businesses of the City; and

THEREFORE, THE COUNCIL OF THE CITY OF DELTA, COLORADO RESOLVES:

The following ballot question and title shall be submitted to the electors at the November 3, 2015 Coordinated Election:

REFERRED MEASURE 2A

“Without increasing any taxes, shall the citizens of the City of Delta, Colorado re-establish their City’s right to provide all services restricted since 2005 by Title 29, article 27 of the Colorado Revised Statutes, described as “advanced services,” “telecommunications services” and “cable television services,” including any new and improved high bandwidth services based on future technologies, utilizing community owned infrastructure either directly or indirectly with public or private sector partners, to potential subscribers that may include telecommunications service providers, residential or commercial users with the City of Delta?

YES _____
NO _____

ADOPTED this 18th day of August, 2015, by the Delta City Council.

Mayor

ATTEST:

City Clerk

Items: J, K, & L

Attorney Comments



City Manager Comments



Councilmember Comments

