ORDINANCE NO. 1302
SERIES 2022

AN ORDINANCE AMENDING THE TERM OF THE AGREEMENT BY AND BETWEEN THE CITY OF CORTEZ OWNED CORTEZ COMMUNITY NETWORK ENTERPRISE (CORTEZ) AND MONTEZUMA COUNTY

WHEREAS, in December of 2020 Cortez and Montezuma County entered into a Memorandum of Understanding in order to define the business relationship between Montezuma County and Cortez for the provision of broadband services, a copy of which is attached hereto and incorporated herein as Exhibit 1; and,

WHEREAS, in November 2021 Montezuma County and Cortez further defined that relationship in a more specific Agreement a copy of which is attached hereto and incorporated herein as Exhibit 2; and,

WHEREAS, that Agreement was amended in March of 2022, a copy of which is attached hereto and incorporated herein as Exhibit 3; and,

WHEREAS, Montezuma County wishes to extend the Agreement from five years to a term of 25 years, as more particularly set forth in Exhibit 4 attached hereto and incorporated herein; and,

WHEREAS, a longer term makes the project more economically viable to customers, providers, Montezuma County and Cortez.

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT the Agreement, attached hereto and incorporated herein as Exhibit 4, is approved and the Mayor is authorized to sign same.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon publication after final passage.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 14th day of June, 2022, at the hour of 7:30 p.m. in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 24TH DAY OF MAY, 2022.

CITY OF CORTEZ

ATTEST:

RACHEL B. MEDINA, MAYOR

LINDA L. SMITH, CITY CLERK

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 14TH DAY OF JUNE, 2022.

CITY OF CORTEZ

ATTEST:

RACHEL B. MEDINA, MAYOR

LINDA L. SMITH, CITY CLERK

APPROVED AS TO FORM:

MICHAEL F. GREEN, City Attorney