

**ORDINANCE NO. 1316  
SERIES 2023**

**AN ORDINANCE AUTHORIZING AND APPROVING A LEASE OF THE CITY OF  
CORTEZ'S FIBER OPTIC COMMUNICATIONS NETWORK TO VERO  
BROADBAND, LLC, A COLORADO LIMITED LIABILITY COMPANY**

WHEREAS, the City of Cortez, Colorado (the "City") owns and operates a fiber optic communications network located inside the City limits, known as the Cortez Community Network (the "Network"); and

WHEREAS, the City desires to lease the Network to a private entity, and in furtherance of that desire, the City issued a public Request for Proposals (the "RFP"), seeking proposals to lease the Network from the City, with an RFP response deadline of March 25, 2022; and

WHEREAS, the City formed a committee composed of City Staff and a City Councilor (the "Committee") to review the proposals received in response to the RFP; and

WHEREAS, the City retained Douglas Dawson, of CCG Consulting, a nationally known full-service telecommunications consulting firm (the "Consultant"), to assist the Committee in managing the RFP and reviewing the RFP responses; and

WHEREAS, in response to the RFP, the City received a total of seven proposals, which the Committee ultimately narrowed to three finalists; and

WHEREAS, on December 13, 2022, after receiving input from City Staff regarding the Committee's review of the RFP responses, pursuant to C.R.S. § 24-6-402(4)(e)(I), the Cortez City Council instructed City Staff to negotiate a lease of the Network to Vero Broadband, LLC ("Vero"); and

WHEREAS, the City Staff has negotiated a lease of the Network to Vero; and

WHEREAS, the City of Cortez Charter and State Statutes require that a lease be approved by the City through the adoption of an ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT the Cortez Community Network Lease Agreement that is attached hereto and incorporated herein as **Exhibit 1**, is approved and the Mayor is authorized to sign the 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ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.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.

FIRST READING: This ordinance shall be considered on first reading on February 14, 2023, at the hour of 7:30 p.m., in the City Council Chambers in City Hall, Cortez, Colorado, at which time the City Council shall consider authorizing the ordinance to be considered for a public hearing on second and final reading at a later date.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the February 28, 2023, 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 14th DAY OF FEBRUARY, 2023.

CITY OF CORTEZ

ATTEST:

  
\_\_\_\_\_  
LINDA L. SMITH, CITY CLERK

  
\_\_\_\_\_  
RACHEL B. MEDINA, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 28<sup>TH</sup> DAY OF FEBRUARY, 2023.

CITY OF CORTEZ

ATTEST:

  
\_\_\_\_\_  
LINDA L. SMITH, CITY CLERK

  
\_\_\_\_\_  
RACHEL B. MEDINA, MAYOR

APPROVED AS TO FORM:

  
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J. PATRICK COLEMAN, CITY ATTORNEY