

**ORDINANCE NO. 525
SERIES 2016**

**AN ORDINANCE REGARDING THE PROVISION OF CABLE TELEVISION SERVICE,
TELECOMMUNICATIONS SERVICE, OR ADVANCED SERVICE PURSUANT TO
29-27-201 C.R.S.**

WHEREAS Montezuma County and the Municipalities therein desire to provide improved broadband services to the entire county including the municipalities therein; and,

WHEREAS 29-27-201 C.R.S. requires an election to be called on whether or not the local government shall provide the proposed cable television service, telecommunications service or advanced service.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES THAT:

The following ballot question shall be submitted to the voters of the Town of Dolores at the November 2016 General Election.

Shall the citizens of the Town of Dolores Colorado authorize the Board of Trustees of the Town of Dolores, Colorado, to provide to potential subscribers including telecommunications service providers, residential and commercial users within the Town of Dolores, all services restricted since 2005 Title 29, articles 27 of the Colorado Revised Statutes, including "telecommunication services," "cable television services," and "advanced services" which is defined as high speed internet access capability in excess of two hundred fifty six kilobits per second both upstream and downstream (known as "broadband") including any new and improved bandwidth services based on future technologies, utilizing the existing community owned fiber optic network and/or developing additional infrastructure, either directly or indirectly with public or private sector partners?"

This ordinance is necessary for the immediate preservation of the public health and safety in that this ballot question/election is necessary to begin the process to improve communications necessary for the provision of law enforcement, public health and safety and fire services for the Town of Dolores.

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ordinances, and resolutions of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.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

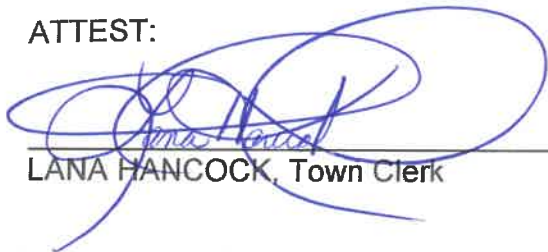
Recording and Authentication. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.


EFFECTIVE DATE. This Ordinance shall be effective upon passage, after first and final reading.

PUBLIC HEARING. This ordinance shall be considered for first or final reading on the day of August, 2016, at the hour of 6:30 p.m. in the Town Board Chambers in Town Hall, Dolores Colorado, at which time and place all persons may appear and be heard concerning the same. 22nd

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 22nd DAY OF August, 2016.

ATTEST:


LANA HANCOCK, Town Clerk

TOWN OF DOLORES

SANTIAGO LOPEZ, Mayor

APPROVED AS TO FORM:


MICHAEL F. GREEN, Town Attorney



**ORDINANCE NO. 524
SERIES 2015**

EMERGENCY DISASTER DECLARATION ORDINANCE

WHEREAS, the Town Board of Trustees for the Town of Dolores may find it necessary to enter a State of Emergency to provide for the safety of the public, protect critical infrastructure, protect private property, and protect the environment. When such situations dictate the Town of Dolores Board of Trustees shall formally complete an Emergency Disaster Declaration and,

WHEREAS, the normal day to day standard operating procedures, authorities, policies, procurement, and duties of the Town of Dolores staff may hinder response and/or recovery activities during a state of emergency within the Town of Dolores. Therefore when a Town of Dolores Emergency Disaster Declaration is adopted by the Town of Dolores Board of Trustees or delegated authority the Town of Dolores Local Emergency Operations Plan (EOP) shall be implemented in part or whole based on the need of the Town and,

WHEREAS, this Emergency Disaster Ordinance is adopted to provide further guidance, clarification, authority, and policy changes during the period of the Declared Emergency.

NOW THEREFORE, it is ordained by the Town Board of the Town of Dolores, Colorado that the following addition to Chapter 7 Sections 04.010 through 08.010 is hereby adopted:

Section 7.04.010 Definitions

1. "Disaster" means the occurrence of or the imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including, but not limited to, fire, weather, drought, plague, hazardous chemical spill, or act of violence.
2. "Emergency" means any occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause that is less severe than a disaster, but of such severity that it cannot be handled by emergency response agencies in conduct of their normal duties.
3. "Emergency Management" means the gathering of all resources available to meet all potential disasters or emergencies under coordinated management The phases of emergency management are mitigation, preparedness, response and recovery
4. "Mitigation" means any activities that actually eliminate the probability of or reduce the consequences of a disaster.

5. "Preparedness" means the development of plans, identifying and inventory of critical resources, the organization and training of response personnel, and the exercise of plans.

6. "Recovery" means those actions, both short-term and long-term, that result in the planned redevelopment of the Town of Dolores after a disaster, consistent with disaster experience and with measures available for hazard reduction.

Section 7.04.020 Authority

1. Authority Granted to the Mayor of the Town of Dolores

a) The Mayor may declare that a disaster or emergency exists within Town of Dolores. Such declaration shall continue for a period not to exceed seven days. Such declaration may be continued or renewed with the consent of a majority of the members of the Town of Dolores Board of Trustees.

b) Allocate emergency funds when costs of the disaster exceed authorized emergency response budgets.

c) Suspend or modify the provisions of any Town resolution, ordinance, policy, or procedure if strict compliance thereof would in any way prevent, hinder or delay necessary action in coping with any emergency or local disaster.

d) Receive on behalf of the Town of Dolores from any duly constituted governmental agency or any private person or agency, any services, equipment, supplies, materials or funds, by way of gift, grant or loan, for emergency or disaster purposes.

e) Make application for county, state or federal assistance.

Section 7.04.030 Authority Granted to the Town Manager

a) In the event the Mayor and other Town Board members cannot be reached within four hours the Town of Dolores Town Manager is hereby authorized to sign an Emergency Disaster Declaration. This Emergency Disaster Declaration must be approved by the Mayor or by majority of the Town Board within 24 hours after the Town Manager's Emergency Disaster Declaration.

b) In the event that the Mayor and Town Board are unavailable to make contractual or spending decisions on behalf of the Town of Dolores, the Town Manager is hereby authorized to make contractual and spending decisions for up to 72 hours after the initial Emergency Disaster Declaration.

c) The Town Manager may also receive on behalf of the Town of Dolores from any duly constituted governmental agency or any private person or agency, any services, equipment, supplies, materials or funds, by way of gift, grant or loan, for emergency or disaster purposes with direction obtained from the Town Board of Trustees.

d) The spending authority of the Town Manager shall be as follows:

i. The Town Manager may spend \$100,000 (One Hundred Thousand Dollars) in the first twenty-four hours of the emergency starting at the dispatch time of onset.

ii. The Town Manager may spend \$50,000 (Fifty Thousand Dollars) every twelve hours starting at the end of the first twenty four hours.

iii. The Town Manager shall not spend in excess of \$500,000 (Five Hundred Thousand Dollars) without the express consent of the Town of Dolores Town Board.

Section 7.04.040 Authority Granted to the County Sheriff/Town Marshal

The Town Marshal or County Sheriff acting as Town Marshal may:

- a) Request appropriate resources as needed to respond to disasters.
- b) Receive on behalf of Town of Dolores from any duly constituted governmental agency or any private person or agency, any services, equipment, supplies, materials or funds, by way of gift, grant or loan, for emergency or disaster purposes.
- c) The spending authority of the Town Marshal or County Sheriff acting as Town Marshal is as follows:
 - i. The Town Marshal or County Sheriff acting as Town Marshal may spend \$50,000 (Fifty Thousand Dollars) in the first twenty four hours of the emergency starting at the dispatch time of onset.
 - ii. The Town Marshal or County Sheriff acting as Town Marshal \$25,000 (Twenty Five Thousand Dollars) may be spent every twelve hours starting at the end of the first twenty four hours.
 - iii. The Town Marshal or County Sheriff acting as Town Marshal may spend up to \$250,000 (Two Hundred Fifty Thousand Dollars) without express consent of the Dolores Town Board.

Section 7.04.050 Authority Granted to the Town/County Emergency Manager

- a) The Town/County Emergency Manager may seek, obtain, or assist in obtaining supplies, equipment and services needed for the protection of the life and property of the people of Town of Dolores.
- b) Represent Town of Dolores in all dealings with public or private agencies pertaining to emergency management and disasters, except to the extent it involves the duties of another Town elected official, and then only in coordination with that elected official.
- c) Receive on behalf of Town of Dolores from any duly constituted governmental agency or any private person or agency, any services, equipment supplies, materials or funds, by way of gift, grant or loan, for emergency or disaster purposes in accordance with direction obtained from the Town Board of Trustees, the Town Manager or the Town Marshal or the County Sheriff Acting as Town Marshal.
- d) Establish, staff, and coordinate the Emergency Operations Center in accordance with the Montezuma County Emergency Operations Plan (EOP).

Section 7.04.060 Procurement

During emergencies and disasters standard operating procurement procedures, policies, and practices can hinder the ability to identify, order, procure, and obtain time sensitive resources to protect life and property. When an authorized Town of Dolores Emergency Disaster

Declaration is made and for the duration of the Declared Emergency Disaster all resources needed to respond to or stabilize the situation shall be exempt from normal procurement procedures. Resources will be procured based on need, availability, and response & delivery time.

Section 7.04.070 Exempt Employees

During a Declared Disaster Town of Dolores employees may be required either directly or indirectly to work extensive hours for extended periods to respond, coordinate, manage, or supervise response and recovery activities far above that of normal day to day job descriptions. When an authorized Town of Dolores Disaster Declaration is made, any "exempt" employee, who as a result of the declaration, is required to work for more than fifty hours in any given work week shall be considered a non-exempt employee and shall be considered hourly and eligible for overtime until such time as the emergency response/recovery is concluded.

Section 7.04.080 Suspension of Non-Essential Services

During times of emergencies and disasters the Town of Dolores employees may assigned to response/recovery activities other than their normal duties. During a declared emergency the Town of Dolores Board of Trustees, the Town Manager, and the Town Marshal or County Sheriff acting as Town Marshal may suspend non-essential government activities until such time as resources become available to resume normal day to day activities,

Section 7.04.090 Continuity of Government

a) During an emergency or disaster critical infrastructure may be hazardous, damaged or otherwise inaccessible. Whenever an emergency or local disaster makes it imprudent or impossible to conduct the affairs of the Town at its regular locations, the Dolores Town Board may meet at any place, inside or outside the Town limits or may meet via the telephone or other communication device. Any temporary emergency or local disaster meeting location for the Dolores Town Board shall continue until a new location is established or until the emergency or local disaster is terminated and the Town Board is able to meet at its normal location.

b) Whenever an emergency or local disaster makes it imprudent or impossible to conduct the affairs of any Department of the Town at its regular location, such Department may conduct its business at any place, inside or outside the Town limits and may remain at the temporary location until the emergency or local disaster is declared ended or until the Department is able to return to its normal location.

Section 7.08.010 Succession of Authority

If the Mayor of the Town of Dolores is unavailable, the line of succession of authority shall be delegated first to the Mayor Pro Tem, then by seniority of office to the remaining Town Board of Trustees. If none of the Town Board of Trustees are available the Town Manager shall be delegated this authority.

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

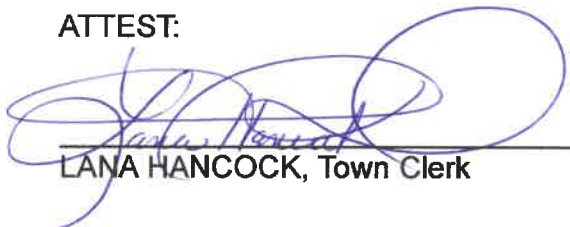
Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent 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 Town Clerk.


PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 13th day of October, 2015, at the hour of 6:30 p.m. in the Town Board Chambers in Town Hall, Dolores Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 21ST DAY OF SEPTEMBER, 2015.

ATTEST:

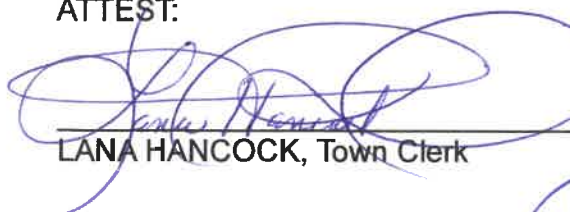

LANA HANCOCK, Town Clerk

TOWN OF DOLORES


DUVALL TRUELSEN, Mayor

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 13TH DAY OF OCTOBER, 2015.

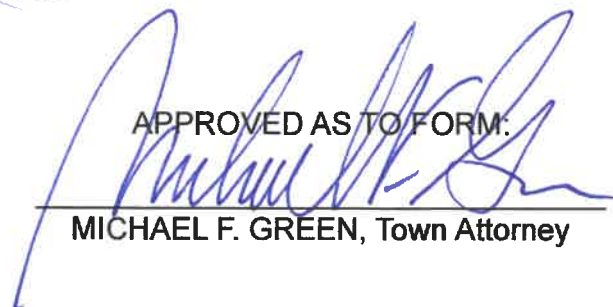
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DUVALL TRUELSEN, Mayor

APPROVED AS TO FORM:


MICHAEL F. GREEN, Town Attorney

