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Before the

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Amendment of Section 73.622(i))
Table of Allotments,)
Digital Television Table of Allotments)
(Grand Junction, Colorado and Delta, Colorado)

Accepted / Filed

MB Docket NgUL 17 2019
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Federal Communications Commission
Office of the Secretary

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PETITION FOR RULE MAKING¹

Jeff Chang & Gabriela Gomez ("Petitioner"), licensee of digital television station KGBY-TV, by and through its attorneys and pursuant to Section 307(b) of the Communications Act of 1934, as amended, and Section 1.420 of the Commission's rules,¹ hereby submits this Petition for Rulemaking (the "Petition") to request that the Commission amend Section 73.622(i) of its Rules, the DTV Table of Allotments to delete Channel 7 at Grand Junction, Colorado and substitute Channel 7 at Delta, Colorado. Pursuant to Section 1.420, Petitioner further requests that the license for KGBY-TV also be modified to specify the new community of license without allowing competing applications.² As set forth herein, grant of this Petition will create a preferential arrangement of allotments by affording Delta, Colorado, its first local full-power

¹ 47 U.S.C. §307(b); 47 C.F.R. §1.420(i).

² Modification of FM and TV Authorizations to Specify a New Community of License, *Report and Order*, 4 FCC Red 4870 (1989), *recon. granted in part*, 5 FCC Red 7094 (1990).

television service. To the extent necessary, Petitioner requests waiver of the Commission's freeze on the filing of petitions for digital channel substitutions.³

I. REALLOTMENT OF CHANNEL 7 TO DELTA, COLORADO SATISFIES THE FCC'S ALLOTMENT PRIORITIES.

Pursant to Section 307(b) of the Communications Act of 1934, as amended, the Commission must provide a "fair, efficient and equitable distribution of radio service" among the various states and communities in the country.⁴ In considering a proposal to reallocate a television station from one community to another, the Commission compares the existing allotment and the proposed allotment to determine whether or not the proposal will result in a preferential arrangement of allotments.⁵ In making this determination, the Commission has long applied a series of five allotment priorities. Those television allotment priorities are to "(1) provide at least one television service to all parts of the United States; (2) provide each community with at least one television broadcast station; (3) provide a choice of at least two television services to all parts of the United States; (4) provide each community with at least two television broadcast stations; and (5) assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities."⁶

³ Freeze on the Filing of Petitions for Digital Channel Substitutions, Effective Immediately, Public Notice, 26 FCC Red 7721 (2011) ("*Freeze Notice*").

⁴ 47 U.S.C. §307(b).

⁵ See, e.g., North Pole and Plattsburg, New York, *Report and Order*, 26 FCC Red 32, 33 (2011), citing Amendment of Section 3.606 of the Commission's Rules and Regulations, *Sixth Report and Order*, 41 FCC 148, 167-173 (1952).

⁶ *Id.*

Reallotment of KGBY-TV's Channel 7 from Grand Junction to Delta would represent a preferential allotment pursuant to Priority 2, as the reallotment would provide the community of Delta with its first local full-power television service.

Petitioner does not currently propose any change in KGBY-TV's permitted facilities. As shown in Exhibit A hereto, KGBY-TV will provide a signal that encompasses the entire City of Delta from the station's currently authorized transmission facilities.⁷ KGBY-TV's 41 dBu service contour also will continue to fully encompass Grand Junction, as will the signals of four other full-power television signals.⁸ As a result, this proposal does not in any way compromise Priority 1. Nor will the proposed change of community of license create any new interference to any other television station or other licensed operation.

II. THE COMMUNITY OF DELTA DESERVES A FIRST LOCAL TELEVISION SERVICE.

Delta is a City situated in Colorado's Western Slope region, which has a rich heritage of farming and ranching. Named after its location where two rivers meet, the City was incorporated in 1882, qualifies as a community for allotment purposes. First, Delta has a robust local government. With a 2010 Census population of 8,915 people, the City of Delta is the county seat of Delta County, which has a population of 30,568.⁹ (The City of Delta is the most populous municipality of the County.) The City operates under Colorado's home rule municipality code, in which municipalities act as self-governing

⁷ See Exhibit A: KGBY-TV Coverage & Other Full Power Television Stations/Grand Junction.

⁸ See Exhibit A: KGBY-TV Coverage & Other Full Power Television Stations/Grand Junction.

⁹ See United States Census Bureau American Fact Finder, available at https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

entities under Article 20 of the Constitution of the State of Colorado; Title 31, Article 1, Section 202 of the Colorado Revised Statutes.¹⁰ The City operates with five council members; three are elected from one of each of the City's three districts, and two are elected from the city at large. The mayor and mayor pro tem are chosen from the council members, for two-year terms.¹¹

The City government oversees municipal services such as the Delta Police Department, the Delta Municipal Court, the Delta Public Works & Utilities, the Delta Parks and Recreation department. Of this, the city oversees its 382 acre park system which encompasses 14 parks throughout the city. The City's Park and Recreation department also operates the city's Devil's Thumb Golf Course which is a "prairie style" golf course. The course is known as one of the most picturesque and scenic layouts in the state, if not the country. In the spirit of Delta's rich history, the City has a Planning Board, a Zoning Board, and numerous Commissions and Committees such as the Office for Delta Historic Preservation and Archaeology. The strong legacy of architecture is evident in Delta: Thirty buildings in Delta have local preservation status; eight have state designation, and four have established national designation. Among those four national landmarks, the Egyptian Theatre in Delta's downtown district is iconic movie theater that was built in 1928. Its design was inspired by Egyptian aesthetics, and is a favorite among fans of classic cinema architecture. Delta also manages its local public library. Delta Public Schools include Garnet Mesa Elementary, Lincoln Elementary, Delta Middle

¹⁰ See Exhibit B: Colorado Revised Statutes 2016-Title 31 Government-Municipal.

¹¹ See Exhibit C: Delta County Independent.

School, Delta High School, Vision Charter Academy, Grand Mesa Choice Academy, and Technical College of the Rockies.¹²

Delta also has a diversified local economy, with an emphasis on local tourism. Fort Uncompahgre, which was built in 1828, now serves as a historic attraction. Visitors are treated to activities related to the fort's fur trapping and trading practices of the early 1800s. Tour guides also dress in attire of the period. Delta also boasts six parks which attracts visitors, many of these parks offer fishing, boating, golfing, camping, and hiking. The annual Smith Mountain Rally attracts mountain bicyclists from around the country. The city's annual rodeo, "Deltarado Days" is held each summer, and has welcomed visitors for over 80 years.¹³

The rich history of America's pioneers is evident throughout the City of Delta. The roots of the region's agriculture, mining, land and water development are within the city's character. Today, the United States Forest Service's headquarters for the Western Slope is located in Delta, and much of the economy in the region is supported with jobs in government, health services, and agriculture.¹⁴ Among Delta's population, a notable growth has been with the Hispanic demographic. The 2010 Census showed that Hispanic or Latino of any race represented 22% of the population, versus 14% in Grand Junction.¹⁵ The Petitioner, Jeff Chang and Gabriela Gomez, represent a unique partnership in broadcast ownership. As the only Asian and Hispanic broadcast owners in the country, the two have endeavored to bring programming initiatives to minorities. Since Delta

¹² See Exhibit D: <https://cityofdeltanet>.

¹³ See Exhibit E: Delta Tourism.

¹⁴ See Exhibit F: Delta/Delta County Economic Data.

¹⁵ See United States Census Bureau American Fact Finder, attached as Exhibit G and available at https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

represents a sizable Hispanic and Latino base, Chang and Gomez can further develop this outreach with the station's reallocation to the City of Delta and its growing diverse community. Moreover, Chang and Gomez remain committed to serving Grand Junction since the Petitioner does not currently propose any change in KGBY-TV's permitted facilities nor its service contour.

Despite its historical importance, and being the county seat, there are currently no full-power television stations licensed to Delta. Accordingly, an allotment at Delta would qualify for consideration under Priority 2 as the community's first local service. While Petitioner acknowledges that the reallocation would result in Grand Junction losing a local full-power television station, four full-power television stations will remain within Grand Junction as their city of license. The grant of the Petition will cause no public harm as Grand Junction would remain well-served after reallocation of KGBY-TV to Delta. As shown in Exhibit A hereto, Grand Junction will continue to be served by three full power commercial television stations and one full power non-commercial television station. This would allow Grand Junction to continue with a choice of at least two full power television stations as specified in Priority 4. Indeed, the proposed reallocation will not deprive Grand Junction of any existing reception service, as Petitioner does not propose any change in the station's authorized service area as part of this proposal. Furthermore, Petitioner is committed to providing continued service to Grand Junction's viewers.

III. GRANT OF THE REQUESTED REALLOTMENT IS AMPLY SUPPORTED BY COMMISSION PRECEDENT

Grant of the requested community of license change would be consistent with the FCC's previous applications of its television station allocation priorities. The instant request is similar to the one the Commission granted in *Ardmore, Oklahoma and Sherman, Texas*, where the Commission recognized that moving a first local service created a preferential arrangement of allotments where service to the original community would not be curtailed.¹⁶ The Commission reached a similar result in Columbia and Edenton, North Carolina, where it recognized an "administrative" community of license change was acceptable where service to the original community would not be reduced. The same analysis should apply in this case.¹⁷

To the extent necessary to enable grant of the Petition, Petitioner requests waiver of the Media Bureau's current freeze on the filing of petition for digital channel substitutions. The Media Bureau implemented the freeze in May 2011 in preparation for the incentive auction to "permit the Commission to evaluate its reallocation and repacking proposals and their impact on the Post-Transition Table of DTV Allotments."¹⁸ Now that the auction is now over, repacking is underway, and grant of the instant Petition would have no impact on the Post-Transition Table of DTV Allotments because the proposed change of community of license does not involve any proposed change of facilities. Thus, waiver of the freeze is justified.¹⁹

¹⁶ See *Ardmore, Oklahoma and Sherman, Texas*, 7 FCC Rcd 4846 (1992).

¹⁷ See *Columbia and Edenton, North Carolina*, 20 FCC Rcd 12457 (2005).

¹⁸ Freeze Notice.

¹⁹ If the Bureau declines to generally lift the freeze, waiver of the freeze would be consistent with precedent. In a similar situation during the initial stages of the DTV transition, the Commission recognized that a change in community of license

IV. CONCLUSION

Petitioner respectfully requests that the Commission issue a Notice of Proposed Rulemaking seeking comment on amendment of the DTV Table of Allotments to delete Channel 7 at Grand Junction, Colorado and substitute Channel 7 at Delta, Colorado. If this Petition is granted, Petitioner will file all necessary applications to modify Petitioner's authorizations for KGBY-TV to specify Delta as the station's community of license.

Respectfully submitted,

JEFF CHANG AND GABRIELA GOMEZ

By: 

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July 16, 2019

unaccompanied by a change in channel or facilities would not impact the Table of Allotments. See *Johnstown and Jeannette, Pennsylvania, Report and Order*, 12 FCC Red 10300, 10301 (1997), citing *Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Sixth Further Notice of Proposed Rulemaking*, 11 FCC Red 10968, 10992 (1996). More recently, the Video Division waived the freeze to permit a change in community of license for stations that do not propose any change in authorized facilities. See, e.g., *Seaford and Dover, Delaware, Report and Order*, 29 FCC Rcd 4773 (Med. Bur. 2014); *Scottsbluff, Nebraska and Sidney, Nebraska, Report and Order*, 31 FCC Rcd 5204 (Med. Bur. 2016).

Exhibit A

EXHIBIT A

A)KGBY-TV Coverage of Grand Junction, CO and Delta, CO; no change to current Transmission Facility

B)Coverage of Grand Junction with Four Other Full-Power Television Stations
(All licensed to Grand Junction; three commercial, one non-commercial)

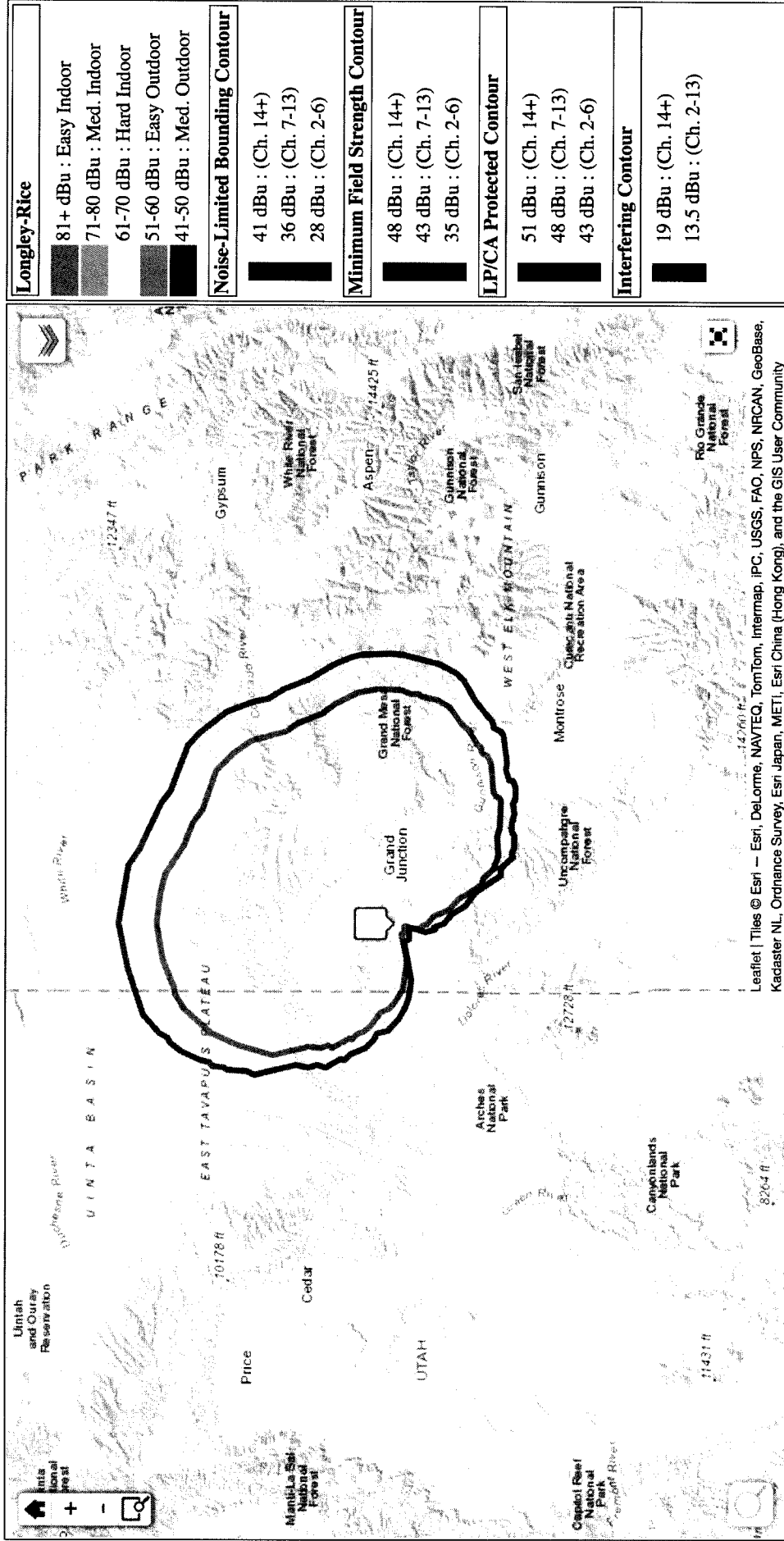
1)KFQX-TV

2)KKCO-TV

3)KREX-TV

4)KRMJ-TV (Non-Commercial)

KFOX (4-1) BLC DT-20061020ACO



Longley-Rice

- 81+ dBu : Easy Indoor
- 71-80 dBu : Med. Indoor
- 61-70 dBu : Hard Indoor
- 51-60 dBu : Easy Outdoor
- 41-50 dBu : Med. Outdoor

Noise-Limited Bounding Contour

- 41 dBu : (Ch. 14+)
- 36 dBu : (Ch. 7-13)
- 28 dBu : (Ch. 2-6)

Minimum Field Strength Contour

- 48 dBu : (Ch. 14+)
- 43 dBu : (Ch. 7-13)
- 35 dBu : (Ch. 2-6)

LP/CA Protected Contour

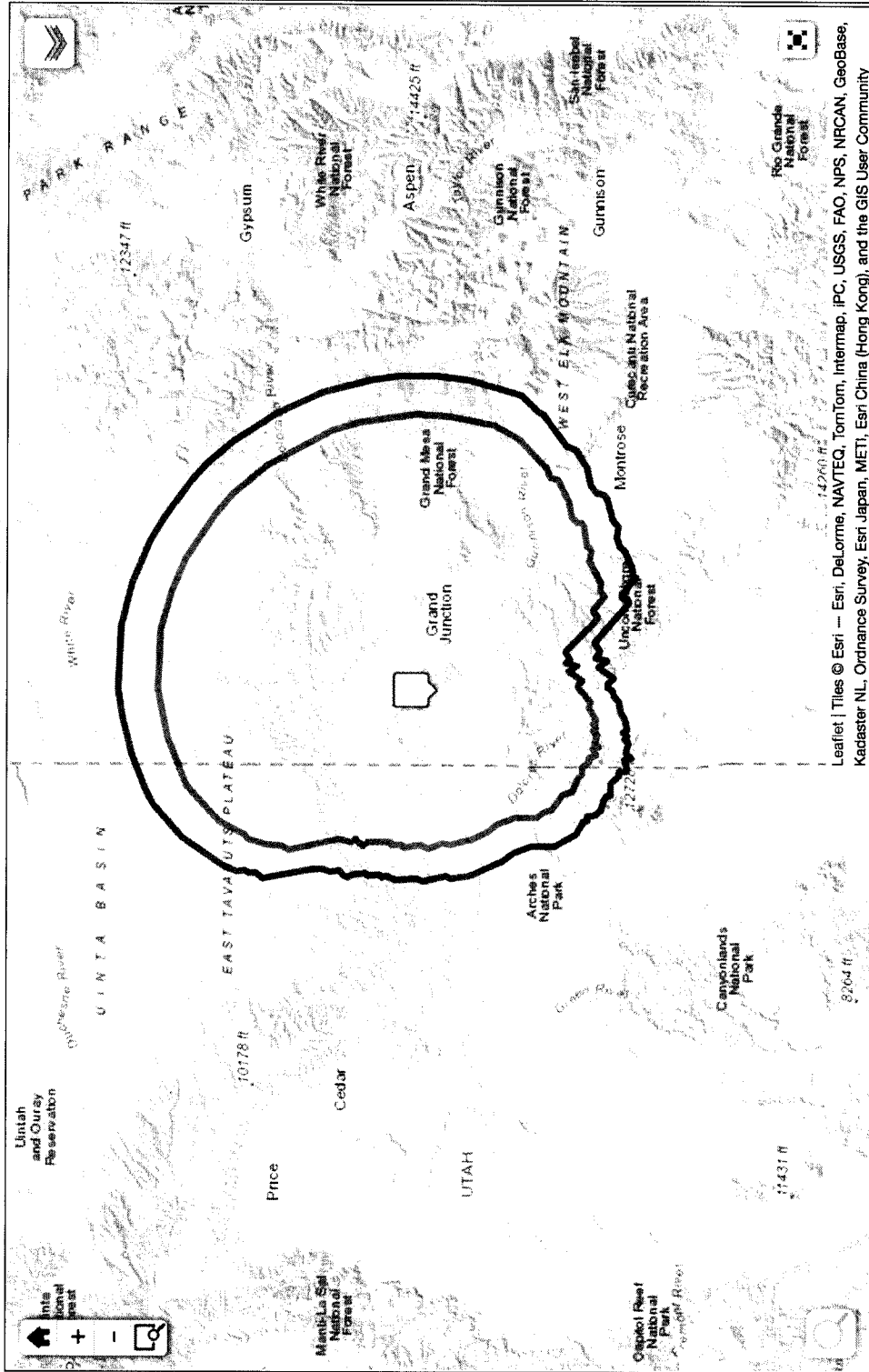
- 51 dBu : (Ch. 14+)
- 48 dBu : (Ch. 7-13)
- 43 dBu : (Ch. 2-6)

Interfering Contour

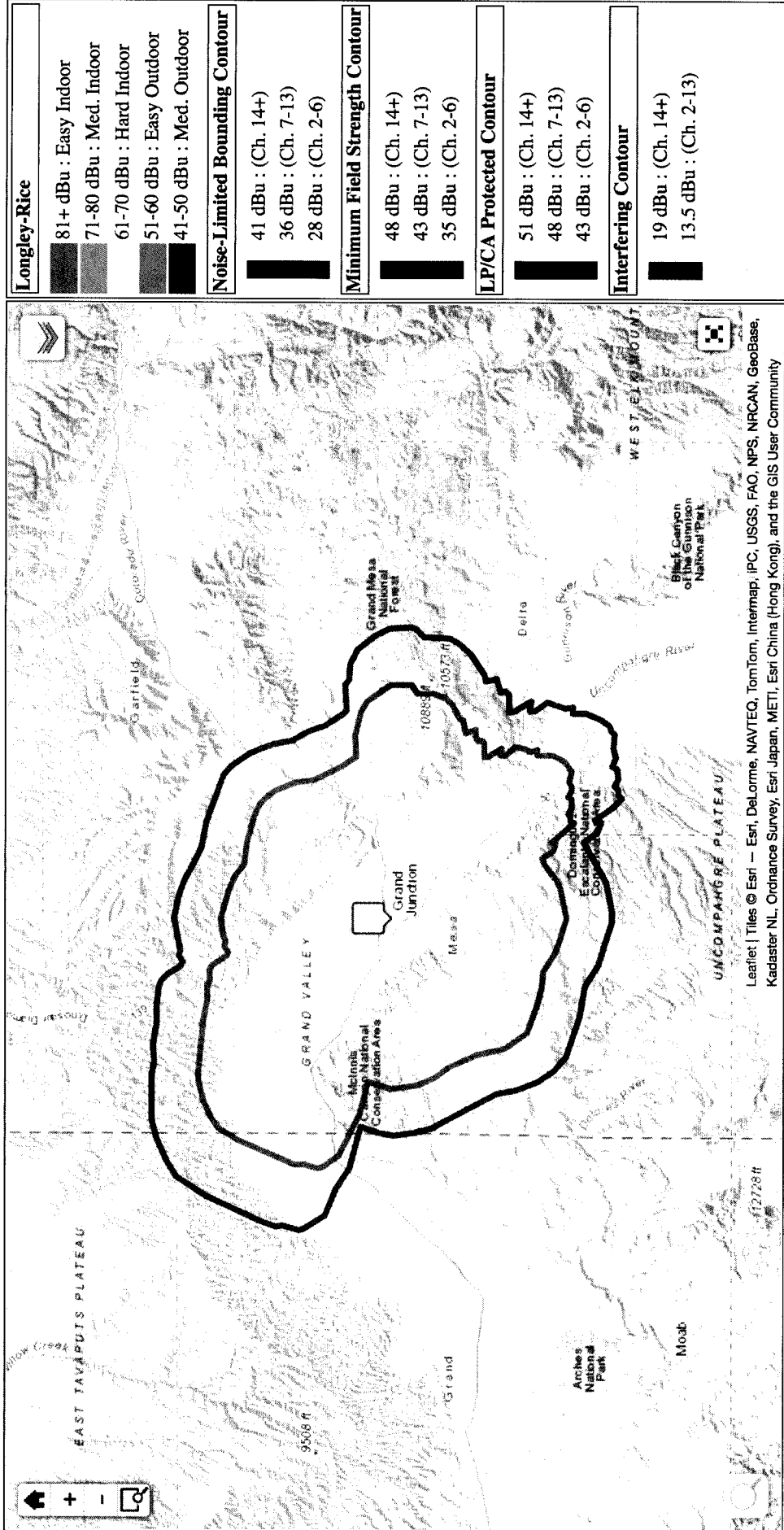
- 19 dBu : (Ch. 14+)
- 13.5 dBu : (Ch. 2-13)

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KKCO (11-1) 0000029050



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KRMJ (18-1) BLEDT-20100430ADO

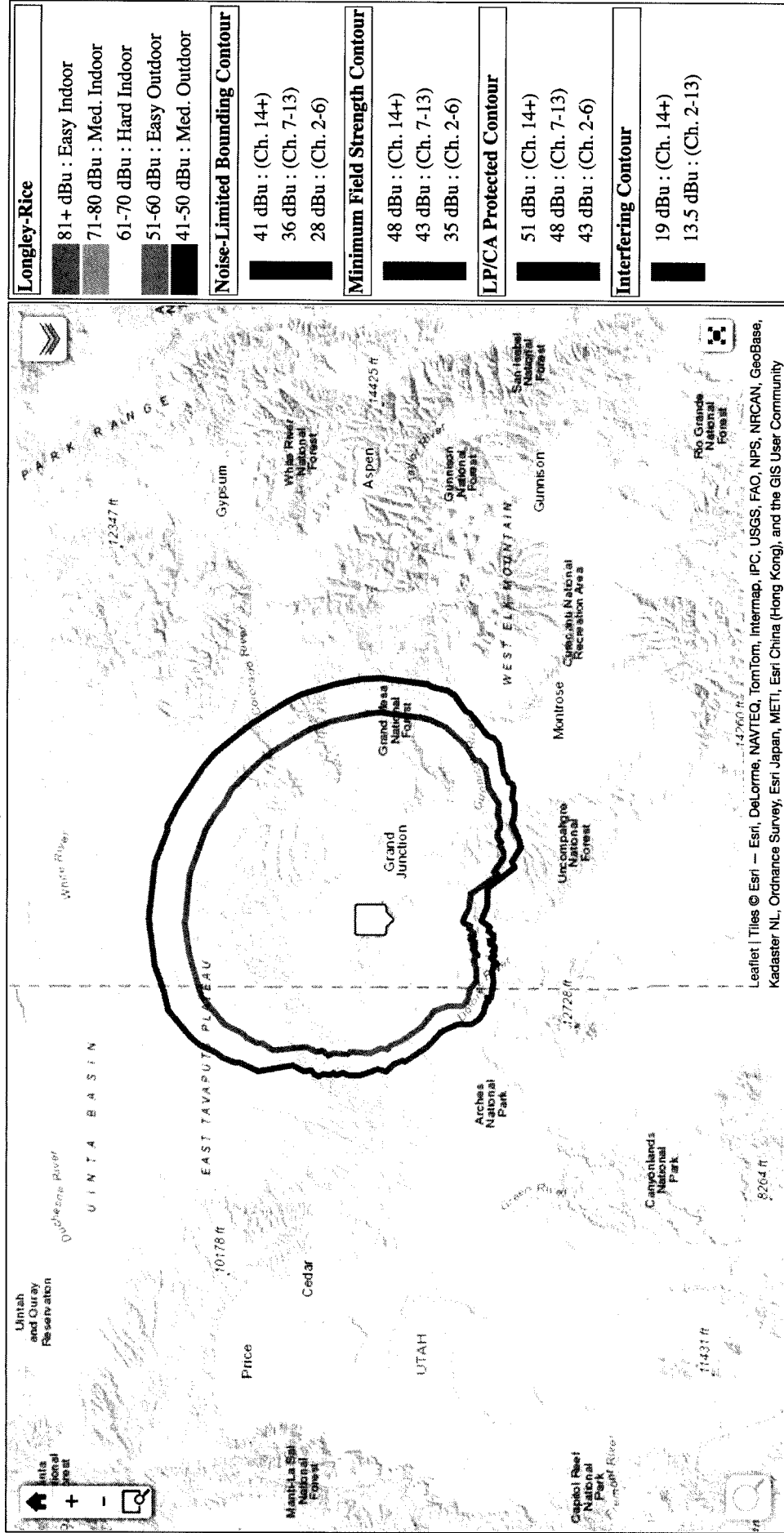


Exhibit B

Colorado Revised Statutes 2016

TITLE 31

GOVERNMENT - MUNICIPAL

CORPORATE CLASS - ORGANIZATION AND TERRITORY

ARTICLE 1

General Provisions and Classification

PART 1

GENERAL PROVISIONS

31-1-101. Definitions. As used in this title, except where specifically defined, unless the context otherwise requires:

(1) "Ad valorem tax" means only the general property tax levied annually on real or personal property listed with the county assessor.

(2) "City" means a municipal corporation having a population of more than two thousand incorporated pursuant to the provisions of part 1 of article 2 of this title or reorganized pursuant to the provisions of part 3 of article 2 of this title or pursuant to the provisions of any other general law on or after July 3, 1877, and a municipal corporation, regardless of population, organized as a city on December 31, 1980, and choosing not to reorganize as a town pursuant to part 2 of this article, but does not include any city incorporated prior to July 3, 1877, which has chosen not to reorganize nor any city or city and county which has chosen to adopt a home rule charter pursuant to the provisions of article XX of the state constitution.

(3) "City clerk", "clerk", or "town clerk" means the clerk of the municipality who is the custodian of the official records of the municipality or any person delegated by the clerk to exercise any of his powers, duties, or functions.

(4) "Governing body" means the city council of a city organized pursuant to part 1 of article 4 of this title, the city council of a city organized pursuant to part 2 of article 4 of this title, the board of trustees of a town, or any other body, by whatever name known, given lawful authority to adopt ordinances for a specific municipality. For purposes of determining a quorum or the required number of votes for any matter, "governing body" includes the total number of seats on the governing body but does not include the seat held by a nonvoting city manager under section 31-4-214.

(5) "Mayor" means the mayor of the municipality; except that in a municipality having a city manager form of government, "mayor" means the presiding officer of the governing body of the municipality.

(6) "Municipality" means a city or town and, in addition, means a city or town incorporated prior to July 3, 1877, whether or not reorganized, and any city, town, or city and county which has chosen to adopt a home rule charter pursuant to the provisions of article XX of the state constitution.

(7) "Qualified elector" means a person who is qualified under the provisions of the "Colorado Municipal Election Code of 1965" to register to vote in elections of the municipality or who, with respect to a proposed city or town or the creation of an improvement district, is qualified to register to vote in the territory involved in the proposed incorporation or district.

(8) "Qualified taxpaying elector" means a qualified elector who, during the twelve months next preceding the election, has paid an ad valorem tax on property owned by him and situated within the municipality or within the territory involved in the proposed incorporation or improvement district.

(9) "Registered elector" means a qualified elector who has registered to vote in the manner required by law.

(10) "Regular election" means:

(a) Before July 1, 2004, the election held in towns on the first Tuesday of April in each even-numbered year; the election held in cities on the first Tuesday of November in each odd-numbered year; and the election held in any other municipality at which the regular election of officers takes place;

(b) On and after July 1, 2004, the election held in any municipality in accordance with paragraph (a) of this subsection (10) unless a majority of the registered electors of the municipality voting on the question have voted to hold the regular election on a date different than specified in paragraph (a) of this subsection (10) pursuant to section 31-10-109 (1), in which case "regular election" means, for any particular municipality, the date on which the regular election of officers takes place as determined by the registered electors of the municipality.

(11) "Special election" means any election called by the governing body of any municipality or initiated by petition to be held at a time other than the regular election for the purpose of submitting public questions or proposals to the registered electors of the municipality.

(12) "Street" means any street, avenue, boulevard, road, land, alley, viaduct, right-of-way, courtway, or other public thoroughfare or place of any nature open to the use of the municipality or of the public, whether the same was acquired in fee or by grant of dedication or easement or by adverse use.

(13) "Town" means a municipal corporation having a population of two thousand or less incorporated pursuant to the provisions of part 1 of article 2 of this title or reorganized pursuant to the provisions of part 3 of article 2 of this title or pursuant to the provisions of any other general law on or after July 3, 1877, and a municipal corporation, regardless of population, organized as a town on December 31, 1980, and choosing not to reorganize as a city pursuant to part 2 of this article, but does not include any town incorporated prior to July 3, 1877, which has chosen not to reorganize nor any town which has chosen to adopt a home rule charter pursuant to the provisions of article XX of the state constitution.

(14) "Ward" means a district, the boundaries of which have been established pursuant to

section 31-2-104 or 31-4-104, from which a member of the governing body of the city or town is elected.

31-1-102. Application - legislative intent. (1) In the recodification of this title, certain provisions which previously applied or may have been interpreted to apply to limited categories of municipalities have been applied to all municipalities, whether statutory, home rule, or special territorial charter. Except for those provisions which expressly apply only to limited categories of municipalities, it is the intent of the general assembly that the provisions of this title shall apply to home rule municipalities except insofar as superseded by charter or ordinance passed pursuant to such charter and to all statutory cities and towns and shall be available to special territorial charter cities and towns unless in conflict with the charters thereof. The general assembly further declares that in the recodification of this title and in the use of the term "municipality" in this title there is no legislative intent to affect or modify the application of the provisions of this title with respect to preemption of home rule or special territorial charter powers, which preemption may or may not have existed on the effective date of this recodification (July 1, 1975). The use of the term "municipality" in future additions or amendments to this title shall not in and of itself create a presumption for or against preemption of home rule or special territorial charter powers.

(2) Where any power is granted in this title to a specific municipal official or group of officials, that power may be exercised within any home rule municipality by the officials, to the extent and in the manner, designated in the particular home rule charter or ordinance passed pursuant to such charter.

PART 2

CLASSIFICATION OF MUNICIPALITIES

31-1-201. Classification of municipalities. (1) With respect to the exercise of corporate and municipal powers, the municipalities of this state are divided into the following classifications:

- (a) Cities or towns incorporated prior to July 3, 1877, which have retained such organization;
- (b) Cities or towns organized pursuant to the provisions of article XX of the state constitution;
- (c) Cities and towns organized pursuant to the provisions of this title or of any other general law on or after July 3, 1877, which have not chosen to adopt a home rule charter under the provisions of article XX of the state constitution.

31-1-202. Cities or towns retaining prior status. Every city or town incorporated prior to July 3, 1877, which chooses to retain such organization, in the enforcement of the powers or the exercise of the duties conferred by the special charter or general law under which the same is incorporated, shall proceed in all respects as provided by such special charter or general law and

shall not be affected nor the powers or duties thereof in any manner changed or abridged by any provisions of this title.

31-1-203. Classification of statutory cities and towns. (1) With respect to the exercises of certain municipal and corporate powers, granted by the provisions of this title, and to the duties of certain municipal officers, set forth in this title, all municipal corporations organized pursuant to the provisions of this title or of any other general law on or after July 3, 1877, which have not chosen to adopt a home rule charter under the provisions of article XX of the state constitution, are divided into cities and towns.

(2) Repealed.

31-1-204. Change of classification - towns - notice - effect on officeholders - options prior to reorganization - terms of office - election dates. (1) The governor and secretary of state, within six months after the returns of any United States census have been filed in the office of the secretary of state, or within thirty days after the returns of the enumeration of the inhabitants of any town taken under and by authority of any town ordinance or resolution adopted by the board of trustees of such town have been filed in the office of the secretary of state, shall ascertain which towns are entitled to become cities. The governor shall cause a statement thereof to be prepared by the secretary of state, which statement shall be published in some newspaper published at the state capital and also in some newspaper, if there is one, printed in each of the towns entitled to such change in classification. A copy of such statement shall be transmitted by the secretary of state to the mayors of said towns and to the next general assembly.

(2) Every such town may proceed at any subsequent regular town election held not sooner than ninety days after the date of the statement's receipt by the mayor, to organize according to the new classification available to it by the election of officers properly belonging thereto. No change of classification, nor the organization of the town into a city in accordance with this section, shall cause the removal from office of any member of the governing body of such town whose term of office has not expired.

(3) Notwithstanding the provisions of sections 31-4-105 and 31-4-107 (4), prior to any election to reorganize to a statutory city under part 1 of article 4 of this title, the governing body of the town may adopt an ordinance providing for the continued appointment of the clerk and treasurer by the governing body. If such an ordinance is repealed, the clerk and treasurer positions shall then be elective offices until changed pursuant to section 31-4-107 (4).

(4) Notwithstanding the provisions of part 2 of article 4 of this title, prior to any election to reorganize, the governing body may conduct an election under the provisions of part 2 of article 4 of this title to determine whether the town should reorganize directly into a city council-city manager form of government. If the voters vote to reorganize in such a manner, the town's form of government shall remain unchanged until the reorganization election at which time the town shall reorganize into a city council-city manager form of government. For the purpose of section 31-4-204 (1), laws of the state applicable to cities and not inconsistent with this part 2 or with part 2 of article 4 of this title shall apply to and govern the town after its reorganization into a city council-city

manager form of government.

(5) Notwithstanding the provisions of sections 31-4-104, 31-4-105, 31-4-106, and 31-4-205, prior to any reorganization election, the governing body of the town may adopt an ordinance establishing the number of members to be on the city council after reorganization, which number shall not be less than six, and providing that all members shall be elected from the city at large. If such an ordinance is repealed, the members of the council shall be elected according to the provisions of part 1 or part 2 of article 4 of this title, whichever is applicable.

(6) Notwithstanding the provisions of sections 31-4-105 and 31-4-205 (1), if four-year overlapping terms for the mayor and trustees or any other elective officer were established prior to the reorganization election, such terms shall continue after reorganization for the mayor and council members and any other elective city office until changed pursuant to section 31-4-107 (3) or 31-4-205 (3).

(7) In conformity with the provisions of section 31-1-101 (10), the regular election date for towns reorganizing into cities shall remain, after reorganization, the first Tuesday of April in each even-numbered year unless a majority of the registered electors of the city voting on the question have voted to hold the regular election of the city on a different date pursuant to section 31-10-109 (1), in which case the regular election date of the city shall mean, for such city, the date on which the regular election of officers takes place as determined by the registered electors of the city. Notwithstanding the provisions of section 31-10-109 (1), after reorganization, the governing body of the city may by ordinance establish its regular election date on the Tuesday succeeding the first Monday of November in each odd-numbered year, and may include in such ordinance any alteration in the term of office of officials subsequently elected which may be necessary to accomplish the change in election dates in an orderly manner. In no event shall such ordinance shorten the term of any elected official in office at the time of its adoption.

31-1-205. Organization after change. As soon as the statement is published, as provided in section 31-1-204, showing that any town is entitled to be organized into a city, the proper authorities of such town may adopt and publish such ordinances as may be necessary to perfect such organization with respect to the election, duties, and compensation of officers and with respect to all other necessary matters. All previously adopted ordinances of any town shall remain in force after its organization as a city so far as such ordinances may be applicable.

31-1-206. Change in classification - cities - notice - effect on officeholders - terms of office - election dates. (1) The governor and the secretary of state, within six months after the returns of any United States census have been filed in the office of the secretary of state, or within thirty days after the returns of the enumeration of the inhabitants of any city taken under and by virtue of any city ordinance or resolution adopted by the city council have been filed in the office of the secretary of state, shall ascertain whether such city has a population of two thousand or less. If it appears that a city is entitled to change its classification to that of a town, the governor shall cause a statement thereof to be prepared by the secretary of state, which statement shall be published in some newspaper published at the state capital and also in some newspaper, if there is one, printed

in the city involved.

(2) A copy of such statement shall be transmitted by the secretary of state to the mayor of said city and to the next general assembly; and every such city, at any subsequent city regular election held not sooner than ninety days after the date of the statement's receipt by the mayor, may proceed to organize according to the new classification available to it by the election of officers properly belonging thereto. No change of classification, nor the organization of the city into a town in accordance with this section and section 31-1-207, shall cause the removal from office of any member of the governing body of such city whose term of office has not expired; all such members shall continue to be members of the governing body of the newly classified town for their respective terms of office.

(3) Notwithstanding the provisions of section 31-4-301 (2) and (5), if four-year overlapping terms for the mayor and council members or any other elective officer were established prior to the reorganization election, such terms shall continue after reorganization for the mayor and trustees and any other elective town office until changed pursuant to section 31-4-301 (5).

(4) In conformity with the provisions of section 31-1-101 (10), the regular election date for cities reorganizing into towns shall remain, after reorganization as a town, the Tuesday succeeding the first Monday of November in each odd-numbered year unless a majority of the registered electors of the town voting on the question have voted to hold the regular election of the town on a different date pursuant to section 31-10-109 (1), in which case the regular election date of the city shall mean, for any particular municipality, the date on which the regular election of officers takes place as determined by the registered electors of the municipality.

31-1-207. Ordinances to reorganize - existing ordinances. As soon as the statement is published, as provided in section 31-1-206, showing that any city may change in classification to a town, the governing body of such city may adopt and publish such ordinances as may be necessary to perfect such organization in respect to the election, duties, and compensation of officers and with respect to all other necessary matters. All ordinances of any city shall remain in force after its organization as a town so far as such ordinances may be applicable to such town.

ARTICLE 2

Formation and Reorganization

PART 1

INCORPORATION

31-2-101. Petition to district court. (1) Whenever the inhabitants of any territory not

Exhibit C

DELTA COUNTY
INDEPENDENT

401 Meeker St • Delta CO 81416 • 970.874.4421

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Delta has five elected council members, one from each of the city's three districts, and two elected from the city at large. The mayor and mayor pro tem are chosen by council from among its members, for two-year terms.

Council member Gerald Roberts made a motion to select Ron Austin as mayor. His motion was seconded by Carlson and went to a vote, with three in favor and Christopher Ryan opposed.

For mayor pro tem, Ron Austin nominated Gerald Roberts with a motion that was seconded by Roberts. Kevin Carlson nominated Christopher Ryan with a motion that was seconded by Ryan. Lacking a fifth council member, the vote was tied at 2-2. With input from city attorney David McConaughy, the matter was tabled until all five council members are present.

editor@deltacountyindependent.com

ads@deltacountyindependent.com

970-874-4421

970-874-4424 (fax)

Exhibit D

CITY OF
DELTA

Your
GOVERNMENT

Our
COMMUNITY

Recreation
& EVENTS

Visit
DELTA

HISTORY & CULTURE

Our Community
History of Delta
History of Electricity
Murals, Sculptures, Performing
Arts
Historic Preservation

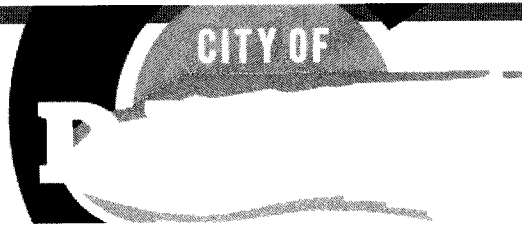
SCHOOLS

Backpack Early Learning
Academy (BELA)
Garnet Mesa Elementary
Lincoln Elementary
Delta Middle School
Delta High School
Vision Charter Academy
Grand Mesa Choice Academy
Technical College of the
Rockies
Delta County School District
50J

Library

Delta Family Center
Chamber of Commerce
Fort Uncompahgre
Economic Information

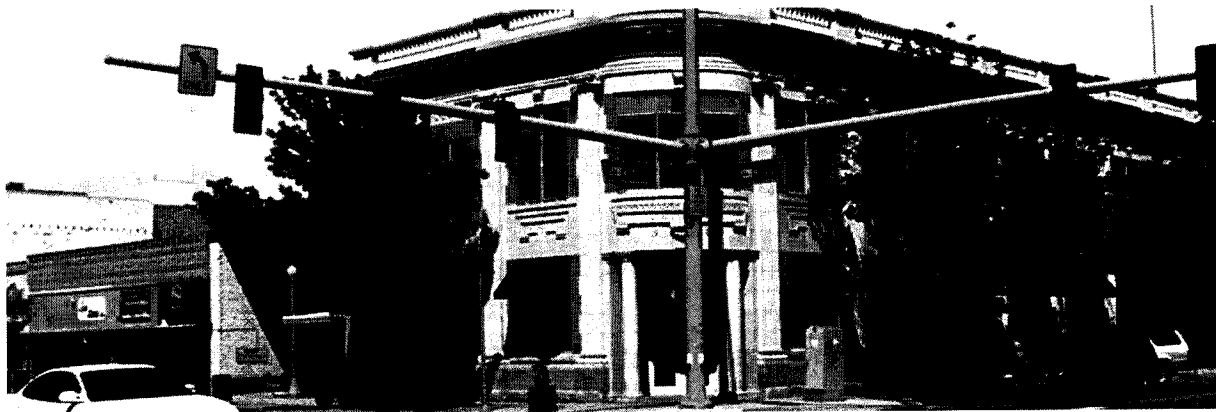




Search

City Council

Council Members

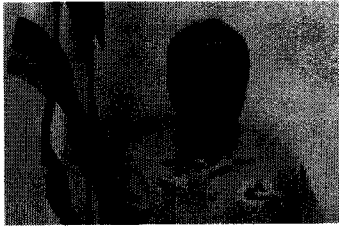


Mission:

Mission: Preserve and enhance our community through collaborative efforts providing services that improve quality of life.

Vision:

An all American city in the heart of Western Colorado with community spirit and abundant resources that fosters economic growth and prosperity to create an attractive and vibrant rural community for residents, business owners and visitors of all ages.



Ron Austin - Mayor
District A

rona@cityofdelta.net



Chris Ryan - Mayor Pro-Tem
District At Large

chrisr@cityofdelta.net



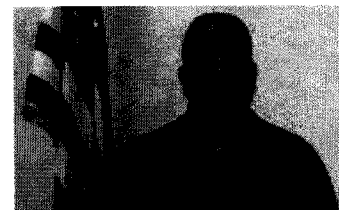
Gerald Roberts - Councilman
District B

gerald@cityofdelta.net



Nathan Clay - Councilman
District C

nathan@cityofdelta.net



Kevin Carlson- Councilman
At Large

kevin@cityofdelta.net

Supporting Documents

 [Ron Austin Biography \(23 KB\)](#)

 [Kevin Carlson Biography \(26 KB\)](#)



Upcoming Events

City Council Work Session

07/16/2019 – 5:30pm

City Council Meeting

07/16/2019 – 7:00pm

[View the City Council Calendar](#)

[Home](#) [Sitemap](#) [Staff Login](#)

360 Main Street | Delta, CO 81416 | 970.874.7566

Culture

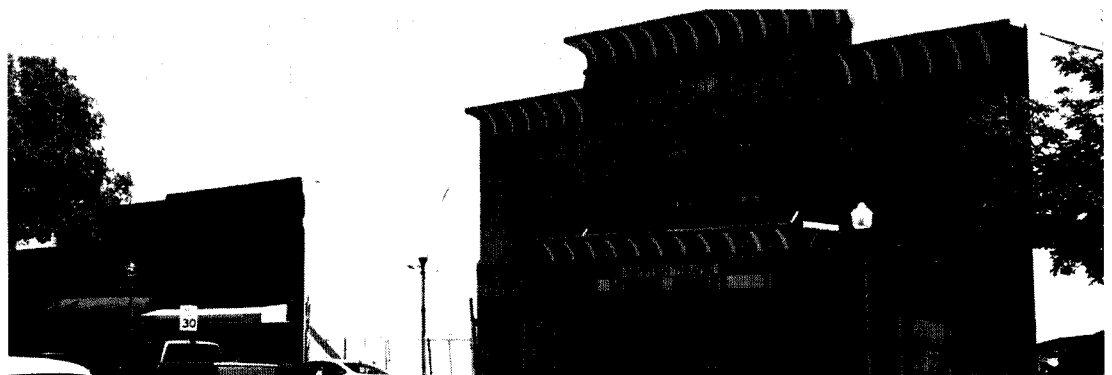
Contact Information

360 Main Street
Delta, CO 81416

Phone: 970-874-7566

[View Full Contact Details](#)

Historic Preservation



The City of Delta now has 30 buildings which have received local designation. Eight buildings have received state designation and four buildings have earned national designation.

For more information about historic preservation visit the Colorado Historic Society Office of Archeology & Historic Preservation website at the link below.

Web Links

[Colorado Historic Society Office of Archaeology & Historic Preservation](#)



Exhibit E

Deltarado Days

SCHEDULE

VENDORS

84th Annual Deltarado Days - July 25-28, 2019





Welcome

Tour

Fort Uncompahgre History

Lore

History of the Old Spanish
National Historic Trail

Kids Summer Programs

News and Events

Fort announces the 2019
Calendar of Events

Special Events

Robidoux Encampment

Fourth of July at the Fort

Meet Me At The FORT



Visit Fort Uncompahgre on the Old Spanish Trail. Take a stroll into our past.

At Fort Uncompahgre on the Old Spanish Trail (a replica of the original Fort) everything is authentic from the dirt floors to the piles of furs and animals hides displayed here. You feel like you stepped back in time standing in the same space where tribes and trappers exchanged furs for guns, knives, beads and other prizes of the sprawling frontier. Your history lesson begins when you get out of your car.

Antone Robidoux established the trading outpost in the late 1820's in an area known as Robidoux Bottoms near the junction of the Gunnison and Uncompahgre Rivers just west of Delta, Colorado. This area was a hub for trails coming north out of the San Juan River Basin in south western Colorado and north western New Mexico, meeting the North Branch of the Old Spanish Trail (a pack route traveling east and west from Santa Fe to Los Angeles). The Fort remained in operation until the mid 1840's before being attacked by a band of Ute Indians. It has been speculated that the attack on Fort Uncompahgre was the result of built up Ute hostility stemming from the introduction of "Taos lightning" in the 1840's. With the decline of the beaver

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First Name

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Subscribe

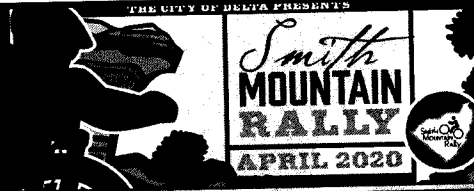
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THE CITY OF DELTA PRESENTS



BILL HEDDLES RECREATION CENTER, DELTA, CO 81416

Thanks for making 2019 a great success. Look forward to seeing you in 2020.

**EXPERIENCE
MOUNTAIN
BIKING
IN DELTA**

FRIDAY APRIL 24

6:30PM

SHORT TRACK RACE



REGISTER

Exhibit F

Delta County Largest Employers

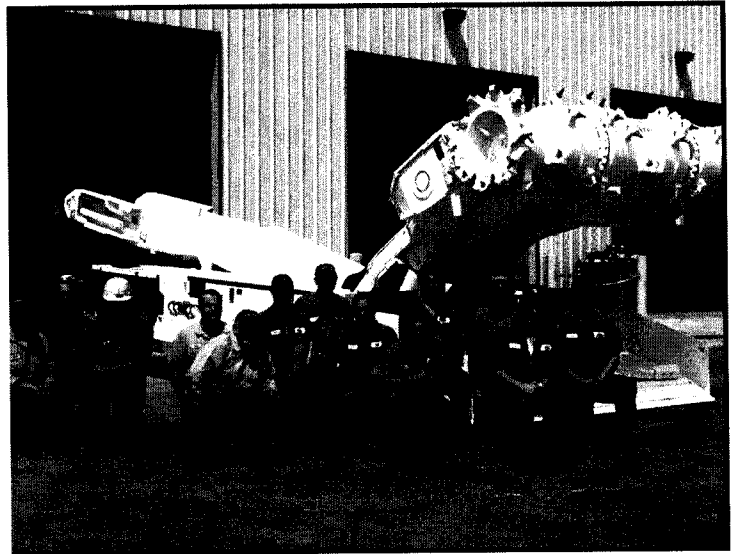
- Delta County School District
- Delta County Memorial Hospital
- Delta County
- City of Delta
- Volunteers of America
- City Market
- Safeway
- Walmart
- US Forest Service
- West Elk/Arch Coal

Top Jobs by Industry (2015)

- Government - 2443
- Retail Trade - 1471
- Health Services - 1383
- Agriculture - 1380
- Other Services - 832
- Accommodation and Food - 795
- Construction - 775
- Manufacturing - 553
- Professional and Business Services - 468
- Mining - 402
- Real Estate - 396


Commercial Real Estate

- [Search for real estate](#)
- [Delta County Board of Realtors](#)
- Real estate costs on average 53% of those costs in Denver



Cost of Living Index (source Sperlings Best Places)

Exhibit G



(<https://www.census.gov>)

[Feedback](#) [FAQs](#) [Glossary](#) [Help](#)

MAIN

COMMUNITY FACTS

GUIDED SEARCH

ADVANCED SEARCH

DOWNLOAD CENTER

Community Facts - Find popular facts (population, income, etc.) and frequently requested data about your community.

Enter a state, county, city, town, or zip code:

81416

GO

- Population
- Age
- Business and Industry
- Education
- Governments
- Housing
- Income
- Origins and Language
- Poverty
- Race and Hispanic Origin
- Veterans
- Show All

81416

Population

Census 2010 Total Population

13,874

Source: 2010 Demographic Profile (/bkmk/table/1.0/en/DEC/10_DP/DPDP1/8600000US81416)

Bookmark/Save

Print

Popular tables for this geography:

2010 Census

General Population and Housing Characteristics (Population, Age, Sex, Race, Households and Housing, ...) (/bkmk/table/1.0/en/DEC/10_DP/DPDP1/8600000US81416)

Race and Hispanic or Latino Origin (/bkmk/table/1.0/en/DEC/10_SF1/QTP3/8600000US81416)

Hispanic or Latino by Type (Mexican, Puerto Rican, ...) (/bkmk/table/1.0/en/DEC/10_SF1/QTP10/8600000US81416)

Households and Families (Relationships, Children, Household Size, ...) (/bkmk/table/1.0/en/DEC/10_SF1/QTP11/8600000US81416)

2017 American Community Survey

Demographic and Housing Estimates (Age, Sex, Race, Households and Housing, ...) (/bkmk/table/1.0/en/ACS/17_5YR/DP05/8600000US81416)

2018 Population Estimates Program

Annual Population Estimates

Census 2000

General Demographic Characteristics (Population, Age, Sex, Race, Households and Housing, ...) (/bkmk/table/1.0/en/DEC/00_SF1/DP1/8600000US81416)

Want more? Need help? Use Guided Search or visit Census.gov's Quick Facts (/www.census.gov/quickfacts/).

QT-P3

Race and Hispanic or Latino Origin: 2010

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Geography: ZCTA5 81416

Subject	Number	Percent
RACE		
Total population	13,874	100.0
One race	13,475	97.1
White	11,636	83.9
Black or African American	112	0.8
American Indian and Alaska Native	153	1.1
American Indian, specified [1]	90	0.6
Alaska Native, specified [1]	2	0.0
Both American Indian and Alaska Native, specified	0	0.0
[1] American Indian or Alaska Native, not specified	61	0.4
Asian	90	0.6
Native Hawaiian and Other Pacific Islander	2	0.0
Some Other Race	1,482	10.7
Two or More Races	399	2.9
Two races with Some Other Race	159	1.1
Two races without Some Other Race	209	1.5
Three or more races with Some Other Race	15	0.1
Three or more races without Some Other Race	16	0.1
HISPANIC OR LATINO		
Total population	13,874	100.0
Hispanic or Latino (of any race)	3,068	22.1
Mexican	2,499	18.0
Puerto Rican	1	0.0
Cuban	1	0.0
Other Hispanic or Latino [2]	567	4.1
Not Hispanic or Latino	10,806	77.9
RACE AND HISPANIC OR LATINO		
Total population	13,874	100.0
One race	13,475	97.1
Hispanic or Latino	2,857	20.6
Not Hispanic or Latino	10,618	76.5
Two or More Races	399	2.9
Hispanic or Latino	211	1.5
Not Hispanic or Latino	188	1.4

X Not applicable.

[1] "American Indian, specified" includes people who provided a specific American Indian tribe, such as Navajo or Blackfeet. "Alaska Native, specified" includes people who provided a specific Alaska Native group, such as Inupiat or Yup'ik.

[2] This category is comprised of people whose origins are from the Dominican Republic, Spain, and Spanish-speaking Central or South American countries. It also includes general origin responses such as "Latino" or "Hispanic."

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables P5, P8, PCT4, PCT5, PCT8, and PCT11.