

RESOLUTION 08-15

A RESOLUTION SETTING A TITLE AND SUBMITTING TO THE ELECTORATE ON APRIL 7, 2015 A MEASURE REGARDING LOCAL AUTHORITY TO PROVIDE SERVICES RESTRICTED SINCE 2005 BY SENATE BILL 05-152

RECITALS:

Until 2005, municipalities throughout Colorado enjoyed the right and authority to use municipal fiber optic and other municipal infrastructure to provide high-speed Internet (including but not limited to wireless and broadband), telecommunications services and/or cable television services to users of those services.

The use of fiber optic infrastructure can substantially increase residential and business Internet speeds and enhance other telecommunications services.

In 2005, the State legislature enacted Senate Bill 05-152, codified at Title 29, Article 27, C.R.S., revoking that authority and denying all Colorado local governments the right to use their facilities or install new facilities to provide high-speed Internet ("advanced service" as defined therein), telecommunications services and/or cable television services.

High-speed Internet at affordable rates is no longer considered a luxury but a critical infrastructure need for most employers.

Access to high-speed Internet, reliable wireless and wired telecommunications services and cable television services at a reasonable price is crucial to attract and retain business providing high-paying jobs and serves to enhance public safety.

The City Council finds that there is an important and undeniable link between economic growth and access to these services.

The City Council further finds that the community's current access to these services is inadequate or prohibitively expensive; and that while there is significant fiber infrastructure serving the community, there are gaps in the fiber network that the private sector will only fill if the property owner(s) bear(s) most or all of the installation costs, which are prohibitively expensive, and likely to deter businesses from selecting the City as a site for expansion or relocation.

Fortunately, Senate Bill 05-152 expressly authorizes every local government to submit a ballot question to the local voters to reauthorize and reclaim the local right to use municipal facilities to provide high-speed Internet, advanced services, telecommunications and/or cable television services to residents, businesses and other

users of such services. Twelve cities and counties statewide have already done just that.

The City Council finds that the City of Grand Junction should have the right to fully explore a variety of options to make such infrastructure available to serve the community's broadband and wireless needs and should have the right and authority to partner with the private sector in mutually beneficial ways in order to increase access to Internet, telecommunication and cable television services.

The City Council further finds that the City should have local control on critical issues such as the telecommunications and that this important issue should be decided at the local level as a matter of self-determination.

While there is no "one-size-fits-all" model for every community, an override of SB 05-152 is necessary to allow the City to even begin to engage with service providers and develop a local solution that will address the long-term needs of our community.

In addition, without an override of SB 05-152, the City remains ineligible for millions of dollars of state and federal grant funds that are earmarked for expansion of broadband services and access.

The City Council further finds that giving voters the opportunity to override SB 05-152 serves the goals of the Comprehensive Plan and the Economic Development Plan.

The City Council therefore approves a question to be placed on the ballot for the April 7, 2015 municipal election asking the voters to restore the authority precluded and restricted by Senate Bill 05-152, as authorized by C.R.S. §29-27-201 et seq., reauthorizing the City to, directly or indirectly with public or private sector partners, provide high-speed internet, "advanced service" as defined in the Act, telecommunications services, and/or cable television services to residents, businesses, schools, libraries, non-profit entities and other users of such services, without increasing taxes by that measure.

If the ballot question is approved by the voters, the City of Grand Junction would be exempted from a state law that otherwise restricts the City's ability to explore ways in which to improve the community's broadband capabilities.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Grand Junction that:

The following ballot title and question shall be submitted to the registered electors on Tuesday, April 7, 2015:

City of Grand Junction Referred Measure __

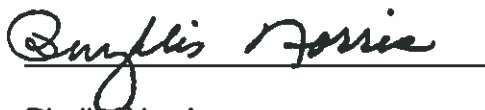
RESTORING AUTHORITY TO THE CITY TO PROVIDE EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERSHIPS HIGH-SPEED INTERNET AND CABLE TELEVISION SERVICE

“SHALL THE CITY OF GRAND JUNCTION, WITHOUT INCREASING TAXES BY THIS MEASURE, BE AUTHORIZED TO PROVIDE, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNER(S), HIGH-SPEED INTERNET SERVICES (ADVANCED SERVICE), TELECOMMUNICATIONS SERVICES AND/OR CABLE TELEVISION SERVICES AS DEFINED BY §§29-27-101 TO 304 OF THE COLORADO REVISED STATUTES, INCLUDING BUT NOT LIMITED TO ANY NEW AND IMPROVED HIGH BANDWIDTH SERVICE(S) BASED ON FUTURE TECHNOLOGIES, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NONPROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES, WITHOUT LIMITING ITS HOME RULE AUTHORITY?”

YES

NO

INTRODUCED, READ AND APPROVED this 4th day of February 2015.



Phyllis Norris

Mayor and President of the City Council

ATTEST:



Stephanie Tuin

City Clerk

