

RESOLUTION 2015-078

OF THE COUNCIL OF THE CITY OF FORT COLLINS

SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY A BALLOT TITLE AND SUBMISSION CLAUSE FOR A CITY-INITIATED QUESTION AUTHORIZING THE CITY TO PROVIDE DIRECTLY, AND/OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, HIGH-SPEED INTERNET SERVICES, TELECOMMUNICATION SERVICES, AND/OR CABLE TELEVISION SERVICES WITHIN THE CITY OF FORT COLLINS GROWTH MANAGEMENT AREA, AS PERMITTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES (SB 05-152), TO BE PRESENTED AT THE NOVEMBER 3, 2015 LARIMER COUNTY COORDINATED ELECTION.

WHEREAS, on June 3, 2005, Colorado Senate Bill 05-152, "Concerning Local Government Competition in the Provision of Specified Communication Services", became effective, as codified at Title 29, Article 27 of the Colorado Revised Statutes (The "Broadband Act"); and

WHEREAS, by its terms, the Broadband Act limits the ability of local governments to provide "advanced services", i.e., broadband and high-speed internet; telecommunication services; and cable services (collectively "Communication Services") within their jurisdictions in competition with private service providers; and

WHEREAS, recent economic development efforts have led Fort Collins and other local communities to develop robust fiber optic communication networks with the potential to deliver higher quality and more affordable Communication Services within their municipal areas than are currently provided by private service providers serving these areas; and

WHEREAS, under the terms of the Broadband Act, the City may not use its fiber optic network to deliver Communication Services to private parties without first satisfying certain conditions regarding local government competition with private service providers; and

WHEREAS, Section 29-27-201(1), C.R.S., provides that before a local government may engage or offer to provide Communication Services, the voters must determine whether or not the local government shall provide the proposed service(s); and

WHEREAS, Section 29-27-201(2), C.R.S. further provides that the ballot question submitted to the voters pursuant to the section shall include a description of the nature of the proposed service, the role the local government will have in providing the service, and the intended subscribers, and the ballot proposition shall not take effect until submitted to and approved by a majority of the electors voting on the ballot; and

WHEREAS, since 2011, the voters of three counties and thirteen municipalities have approved local ballot measures to set aside the limitations of the Broadband Act, authorizing their local governments to offer Communication Services directly or indirectly within their jurisdictions; and

WHEREAS, under Article X, Section 3 of the City Charter, the Council may submit any question, or proposed ordinance or resolution, or refer any adopted ordinance or resolution to the vote of the people at a regular or special election with the same force and effect as provided for citizen initiated and referred measures; and

WHEREAS, the City Council intends to preserve and exercise its authority as a home-rule municipality under Section 6 of Article XX of the Colorado Constitution and the Home Rule Charter of the City of Fort Collins, while submitting the question to the registered electors of the City; and

WHEREAS, the City Council adopted as of this date Ordinance No 89, 2015, calling a special election to be held as part of the Larimer County Coordinated Election on November 3, 2015 for the purpose of asking voters whether the City shall be allowed to provide Communication Services directly and/or indirectly within the City of Fort Collins growth management area; and

WHEREAS, under Article X, Section 6(b) of the City Charter, upon calling an election on any initiative or referendum measure, the Council shall, after public hearing, adopt by resolution a ballot title and submission clause for each measure.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That there is hereby submitted to the registered electors of the City of Fort Collins at a special municipal election to be held as part of the Larimer County, Colorado Coordinated Election on Tuesday, November 3, 2015 the question of whether or not the City should be authorized to directly and/or indirectly provide specified communication services in substantially the following form:

**City-Initiated Question Authorizing the City to Provide Directly, and/or Indirectly with Public and/or Private Sector Partners, High-Speed Internet Services, Telecommunication Services, and/or Cable Television Services within the City of Fort Collins Growth Management Area, as Permitted by Title 29, Article 27 of the Colorado Revised Statutes (SB 05-152)**

Without increasing taxes by this measure, shall the City of Fort Collins, in the exercise of its home-rule authority, have the right to provide, either directly, and/or indirectly with public and/or private sector partners, high-speed internet services, including but not limited to any new or improved high bandwidth services based on future technologies (advanced services), telecommunications services, and/or cable television services to residents, businesses, schools, libraries, nonprofit entities and other users of such services located within the boundaries of the City of Fort Collins growth management area, as expressly permitted by SB 05-152 (codified at Sections 29-27-101 to 304 of the Colorado Revised Statutes)?

\_\_\_\_ Yes/For


\_\_\_\_ No/Against

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 18th day of August, A.D. 2015.



  
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Mayor

ATTEST:

  
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City Clerk