

RESOLUTION NO. _____-17

A RESOLUTION SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY OF COLORADO SPRINGS, COLORADO AT THE GENERAL MUNICIPAL ELECTION CONDUCTED BY MAIL BALLOT TO BE HELD ON TUESDAY, APRIL 4, 2017, THE QUESTION OF RE-ESTABLISHING THE CITY'S AUTHORITY TO PROVIDE, OR TO FACILITATE OR PARTNER OR COORDINATE WITH SERVICE PROVIDERS FOR THE PROVISION OF, "ADVANCED (HIGH-SPEED INTERNET) SERVICE," "CABLE TELEVISION SERVICE," AND "TELECOMMUNICATION SERVICE," EITHER DIRECTLY, INDIRECTLY, OR BY CONTRACT, TO RESIDENTIAL, COMMERCIAL, NONPROFIT, GOVERNMENT OR OTHER SUBSCRIBERS AND TO ACQUIRE, OPERATE AND MAINTAIN ANY FACILITY FOR THE PURPOSE OF PROVIDING SUCH SERVICES, RESTORING LOCAL AUTHORITY AND FLEXIBILITY THAT WAS TAKEN AWAY BY TITLE 29, ARTICLE 27, PART 1 OF THE COLORADO REVISED STATUTES, WITHOUT INCREASING TAXES

WHEREAS, the City Council of the City of Colorado Springs, Colorado, a home rule city and Colorado municipal corporation (the "City") has determined that it is in the best interests of the residents of, and visitors to, the City to consider how the City can improve high-speed internet services, cable television services, and telecommunication services; and

WHEREAS, to foster job creation, stronger economic development infrastructure and competition, the City Council desires to ask the voters to restore to the City the local authority to provide high-speed internet services, cable television services, either directly or indirectly, or by contract, to residential, commercial, nonprofit, government or other subscribers and to acquire, operate and maintain any facility for the purpose of providing such services, restoring local authority and flexibility that was taken away by §§ 29-27-101 to 304, "Competition in Utility and Entertainment Services," of the Colorado Revised Statutes, without limiting the City's home rule authority; and

WHEREAS, in 2005, the passage of SB 05-152 resulted state law changes that limit local governments authority in providing high-speed internet, cable television, and telecommunication services; and

WHEREAS, under SB 05-152, local governments can provide such services only after voter approval, see, C.R.S. § 29-27-201; and

WHEREAS, since the passage of SB 05-152, the voters in numerous Colorado cities and counties, including El Paso County, have overwhelmingly approved such measures, restoring local authority and flexibility; and

WHEREAS, the City Council does hereby determine that the question of re-establishing the City's authority to provide high-speed internet, cable television, and telecommunication

services should be submitted to the City's electors, qualified and registered to vote thereon, at the General Municipal Election conducted by mail ballot to be held on Tuesday, April 4, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. There shall be submitted to the registered, qualified electors of the City at the General Municipal Election conducted by mail ballot to be held on Tuesday, April 4, 2017, the question of re-establishing the City's local authority to provide high-speed internet, cable television, and telecommunication services, which question appears in full in Section 2, *infra*.

Section 2. The question of re-establishing the City's local authority to provide high-speed internet, cable television, and telecommunication services shall be submitted to the registered, qualified electors of the City in substantially the following form:

WITHOUT INCREASING TAXES, SHALL THE CITY OF COLORADO SPRINGS HAVE THE AUTHORITY TO PROVIDE, OR TO FACILITATE OR PARTNER OR COORDINATE WITH SERVICE PROVIDERS FOR THE PROVISION OF, "ADVANCED (HIGH-SPEED INTERNET) SERVICE," "CABLE TELEVISION SERVICE," AND "TELECOMMUNICATION SERVICE," EITHER DIRECTLY, INDIRECTLY, OR BY CONTRACT, TO RESIDENTIAL, COMMERCIAL, NONPROFIT, GOVERNMENT OR OTHER SUBSCRIBERS AND TO ACQUIRE, OPERATE AND MAINTAIN ANY FACILITY FOR THE PURPOSE OF PROVIDING SUCH SERVICES, RESTORING LOCAL AUTHORITY AND FLEXIBILITY THAT WAS TAKEN AWAY BY TITLE 29, ARTICLE 27, PART 1 OF THE COLORADO REVISED STATUTES?

Section 3. If the question is approved, the City of Colorado Springs will be authorized to re-establish local authority to provide high-speed internet services, cable television services, and telecommunication services. In 2005, the Colorado legislature passed SB 05-152, which took away such local authority, unless it is voter-authorized. Local authority would permit the city flexibility to provide, or to enter into arrangements to provide, these services. This could be accomplished through enterprises, partnerships, or other arrangements. Voter authorization would not obligate the City to provide the services.

Section 4. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution. The

City Clerk shall assist and cooperate with the County Clerk and Recorder in conducting the General Municipal Election.

Section 5. All actions heretofore taken by the City Council and officers of the City, not inconsistent with the provisions of this resolution, taken in furtherance this ballot question and resolution, are hereby ratified, approved, and confirmed.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, such invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the remaining provisions of this resolution.

Section 7. All resolutions, bylaws and regulation of the City in conflict with this resolution are hereby repealed to the extent only of their inconsistency with this resolution. This repealer shall not be construed to revive any ordinance, resolution, bylaw, or regulation, or any part thereof, heretofore repealed. If passed by the electorate, this ballot measure shall be effective hereafter as provided by law.

Section 8. This resolution shall become effective upon passage.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2017.

Council President

ATTEST:

Sarah B. Johnson, City Clerk