

RESOLUTION NO. 08162016 R002

A RESOLUTION DESCRIBING A PROPOSAL TO RE-ESTABLISH LARIMER COUNTY'S LEGAL AUTHORITY TO PROVIDE ADVANCED SERVICES (HIGH SPEED INTERNET), CABLE TELEVISION SERVICES, AND/OR TELECOMMUNICATIONS SERVICES, EITHER DIRECTLY OR INDIRECTLY AND WITH PUBLIC OR PRIVATE SECTOR PROVIDERS; CALLING AN ELECTION ON NOVEMBER 8, 2016 FOR THE CONSIDERATION OF SUCH PROPOSAL; AND SETTING THE BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION.

WHEREAS, affordable, reliable, and innovation telecommunications services, including, but not limited to, broadband internet services, are hereby found and determined to be essential for Larimer County's residents and businesses in today's economic environment, health and safety and for quality of life; and

WHEREAS, in 2005 the Colorado General Assembly enacted Senate Bill 05-152, which is codified at 29-27-101, et seq., which provides that before a local government may provide telecommunications services, advanced services (high speed internet), or cable television services, as such services are defined in the statute, either directly or indirectly, it must call an election on the question of providing such services and obtain the approval of the majority of its registered electors voting on any such ballot question; and

WHEREAS, the effect of Senate Bill 05-152, as codified in Colorado statute, has been to restrict the county's ability to improve its connectivity through either the provision of direct, or indirect services in cooperation with other public or private sector service providers, as set forth in C.R.S. 29-27-103, "Limitations on providing cable television, telecommunications, and advanced services"; and

WHEREAS, the Larimer County Board of County Commissioners does hereby find and determine that re-establishing the county's legal ability to directly and/or indirectly provide such cable television, telecommunications, and advanced services (high speed internet) could allow Larimer County to implement local telecommunications solutions that would provide or improve needs based access for the county's residents and businesses; and

WHEREAS, the Larimer County Board of County Commissioners desires to refer to the registered electors of the County a proposal to re-establish the County's legal ability to provide cable television, telecommunications, and advanced services (high speed internet) either directly or indirectly and with public or private sector service providers at the next general election on November 8, 2016, and such election date is within the next succeeding 120 days after the adoption of this Resolution; and

WHEREAS, pursuant to Section 1-5-203(3), C.R.S., the Larimer County Board of County Commissioners must certify ballot contents to the Larimer County Clerk and Recorder for said November 8, 2016 election; and

WHEREAS, any such ballot question must be approved by a majority of the legally eligible Larimer County registered electors voting on such ballot measure before becoming effective.

NOW, THEREFORE, BE IT RESOLVED by the Larimer County Board of County Commissioners that there shall be referred to the registered electors of Larimer County at the general election to be held on November 8, 2016, the following proposal:

1. The following ballot question and title is hereby certified to the Larimer County Clerk and Recorder for submission to the registered voters of Larimer County, Colorado, at the November 8, 2016 general election:

"Without increasing taxes, shall the citizens of Larimer County Colorado re-establish Larimer County's right to provide any and all services and facilities restricted since 2005 by Title 29, Article 27 of the Colorado Revised Statutes, described as "Advanced Services" (high-speed internet), "Telecommunication Services," and "Cable Television Services," including but not limited to any new and improved broadband services and facilities based on future technologies, utilizing existing or new community owned infrastructure including but not limited to the existing fiber optic network, either directly, or indirectly with public or private sector partners, to potential subscribers that may include telecommunications service providers, residential or commercial users within the boundaries of Larimer County?" Yes No

2. Election Called. It is hereby determined that an election shall be held on November 8, 2016, as part of the general election, for the purpose of submitting to the registered electors of Larimer County the ballot question set forth herein.
3. Cost of Election. The entire cost of the election called herein shall be paid from the general fund of Larimer County
4. Notices of Election.
 - a. The Larimer County Clerk and Recorder shall publish the text of this Resolution four separate times, a week apart, in the official newspaper of Larimer County and each incorporated municipality within Larimer County;
 - b. The Larimer County Clerk and Recorder shall cause to be published, at least twenty (20) days before the election, the notice required by Section 1-5-205, C.R.S. Such notice shall be in the form and contain the information required by law. The notice shall also be posted at least ten (10) days before the election as required by Section 1-5-203(1.3), C.R.S.
5. Election Official. The Larimer County Clerk and Recorder is designated as the County's "Designated Election Official" as defined in Section 1-1-104(8), C.R.S., as the person responsible for running the election; and shall undertake all measures necessary to comply with and conduct the election in accordance with the applicable provisions of the Colorado Uniform Election Code of 1992, as amended, and any other general election laws of the

State of Colorado.

6. Severability. If any section, paragraph, clause or provision of this Resolution, or the ballot question certified by this Resolution, be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Resolution or said ballot question. It is the intention of the Larimer County Board of County Commissioners that the various parts of this Resolution and ballot question are severable.

APPROVED AND ADOPTED THIS 16th DAY OF August, 2016.



ATTEST:

Sab Wally
Clerk to the Board

BOARD OF COUNTY
COMMISSIONERS OF LARIMER
COUNTY, COLORADO

By: [Signature]
Chairperson

Approved as to Form:

Wendy Beards 8-1-16
Deputy County Attorney Date