

A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS
AT THE COORDINATED ELECTION HELD NOVEMBER 4, 2014
RELATED TO THE LOCAL RIGHT
TO USE MUNICIPAL FIBER OPTIC INFRASTRUCTURE

WHEREAS, the City of Cherry Hills Village ("City") will participate with the Arapahoe County Clerk and Recorder in the November 4, 2014 coordinated election; and

WHEREAS, the City Council has the authority, and desires to place a proposed ballot question on the November 4, 2014 ballot concerning the local right to use municipal fiber optic infrastructure; and

WHEREAS, until 2005, municipalities throughout Colorado enjoyed the right and authority to use municipal fiber optic infrastructure to provide high-speed Internet, advanced telecommunications, and cable television services to their residences and businesses; and

WHEREAS, in 2005, the State Legislature enacted Senate Bill 05-152 (codified in Article 27 of Title 29, C.R.S.) to revoke and deny all Colorado municipalities the right of using municipal facilities, improvements, and fiber optic infrastructure to provide directly or indirectly high-speed Internet, advanced telecommunications, and cable television services to residents and businesses; and

WHEREAS, 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 the municipal fiber optic infrastructure to provide high-speed Internet, telecommunications, and cable television services to residents and businesses; and

WHEREAS, although the City does not currently own any municipal fiber optic infrastructure, future construction and use of such infrastructure would likely increase competition and potentially decrease costs of services to residents and businesses by providing opportunities to private service providers to partner with the City to use the City's fiber optic infrastructure to deliver services to residents and businesses; and

WHEREAS, the City Council has determined it is in the best interests of the City to refer a ballot question to the voters concerning the City's ability to provide directly or indirectly through private companies high-speed internet, advanced telecommunications, or cable television services, as authorized pursuant to C.R.S. Section 29-27-201.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF CHERRY HILLS VILLAGE:

Section 1. The City Council hereby refers and approves the following ballot question for submission to the registered electors and to appear on the November 4, 2014 ballot coordinated by Arapahoe County:

SHALL THE CITY OF CHERRY HILLS VILLAGE, WITHOUT INCREASING TAXES BY THIS MEASURE, AND TO RESTORE LOCAL AUTHORITY THAT WAS DENIED TO LOCAL GOVERNMENTS BY THE COLORADO GENERAL ASSEMBLY AND FOSTER A MORE COMPETITIVE MARKETPLACE, BE AUTHORIZED TO PROVIDE HIGH-SPEED INTERNET, INCLUDING IMPROVED HIGH BANDWIDTH SERVICES BASED ON NEW TECHNOLOGIES, TELECOMMUNICATIONS

SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS, AS EXPRESSLY PERMITTED BY ARTICLE 27, TITLE 29 OF THE COLORADO REVISED STATUTES?

YES _____
NO _____

Section 2. This Resolution and the ballot question posed to the electorate are intended and should be interpreted to restore to the greatest extent possible the right of self-governance, self-determination, and local control over all matters addressed in Article 27 of Title 29, C.R.S.).

Section 3. For purposes of C.R.S. § 31-11-111, this Resolution shall serve to set the title and content for the ballot question set forth herein and the ballot title for such question shall be the text of the question itself.

Section 4. The City Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

Section 5. The City Manager, City Attorney, and City Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including the taking of all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the election.

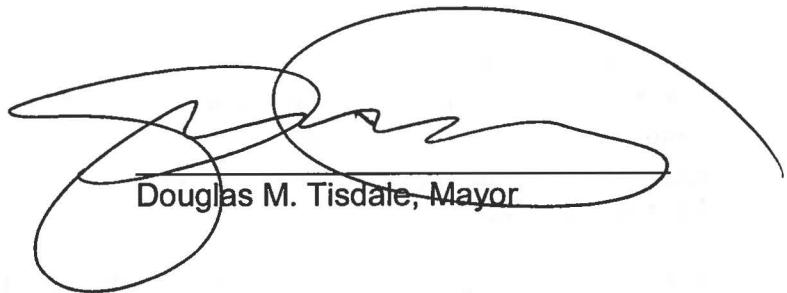
Section 6. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions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

Section 7. This Resolution shall be effective immediately upon adoption.

DONE AND RESOLVED THIS 2ND DAY OF SEPTEMBER 2014.

Introduced, passed and adopted at the regular meeting of City Council this 2nd day of September, 2014, by a vote of 5 Yes and 0 No.

(SEAL)



Douglas M. Tisdale, Mayor

ATTEST:



Laura Smith, City Clerk

APPROVED AS TO FORM:



Linda C. Michow
Linda C. Michow, City Attorney