

**TOWN OF MINTURN
RESOLUTION 15 – SERIES 2017**

**A RESOLUTION APPROVING A BALLOT QUESTION TO
BE SUBMITTED TO THE VOTERS OF THE TOWN OF
MINTURN AT THE COORDINATED ELECTION TO BE
HELD ON NOVEMBER 7, 2017 CONCERNING THE LOCAL
AUTHORITY TO PROVIDE BROADBAND SERVICES,
EITHER DIRECTLY OR INDIRECTLY, WITH PUBLIC OR
PRIVATE PARTNERS.**

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado (the "Town"), will participate with the Eagle County Clerk and Recorder in the November 7, 2017 coordinated election; and

WHEREAS, The Town Council has the authority and desires to place a proposed ballot question on the November 7, 2017 ballot concerning the local right to provide broadband services; and

WHEREAS, until 2005, municipalities throughout Colorado enjoyed the right and authority to provide high-speed internet, advanced telecommunications, and cable television services to their residences and businesses, either directly or indirectly with public or private partnerships; 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 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 provide high-speed internet, telecommunications, and cable television services to residents and businesses; and

WHEREAS, although the Town 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 Town to use the Town's fiber optic infrastructure to deliver services to residents and businesses; and

WHEREAS, the Town Council has determined it is in the best interests of the Town to refer a ballot question to the voters concerning the Town'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 29-24-201.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

Section 1: The Town Council hereby refers and approves the following ballot question

for submission to the registered electors and to appear on the November 7, 2017 ballot coordinated by Eagle County:

Ballot title is fixed as follows:

SHALL THE TOWN OF MINTURN, 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 the purposes of C.R.S. 31-11-111 the 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.

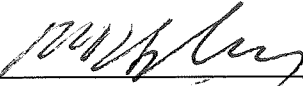
Section 4: The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

Section 5: The Town Manager, Town Attorney, and Town 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 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 section, paragraphs, clauses, or provisions of this Resolution.

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

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED THIS 2nd
DAY OF AUGUST, 2017.**

By: 
Matt Scherr, Mayor

ATTEST

By: 
Jay Brunvand, Town Clerk