

**RESOLUTION NO. 2017-91**

**A Resolution of the Board of County Commissioners of Boulder County referring to the November 7, 2017 election a question to authorize the County to provide high-speed Internet service (advanced service), telecommunications service, and/or cable television service, either directly or indirectly, with public or private sector partners, as permitted with voter approval by Article 27, Title 29 of the Colorado Revised Statutes.**

Recitals:

A. Access to high-speed broadband networks is essential to the future of Boulder County communities in the twenty-first century; fast, affordable and reliable Internet service is critical for job growth, enhanced educational opportunities and improved health care, among other things.

B. Broadband has become so critical, in fact, that many now regard it as a basic infrastructure need, on par with roads, water systems and energy grids. Yet, as the opportunity gap between those with access to high-speed Internet and those without grows, communities without access or those relying on first-generation networks will find themselves on the wrong side of the “digital divide.”

C. To best position Boulder County to explore opportunities to work with public or private organizations to enhance access to affordable and reliable broadband services for county residents, businesses, students and other users, the Board of County Commissioners desires to submit to voters at the November 2017 election a question to authorize the County to provide high-speed Internet service (advanced service), telecommunications service, and/or cable television service, either directly or indirectly, with public or private sector partners, as expressly permitted with voter approval by Article 27, Title 29 of the Colorado Revised Statutes, entitled “Competition in Utility and Entertainment Services”.

D. In 2005, the Colorado General Assembly enacted Article 27, Title 29 of the Colorado Revised Statutes, known as Senate Bill 05-152 (“S.B. 152”), intended to limit local government competition with the private sector in the provision of broadband (advanced service), telecommunications and cable television services by, among other things, requiring local governments to secure voter approval before entering into or participating in the broadband business.

E. Without voter approval, S.B. 152 limits the ability of local governments to provide a wide spectrum of broadband related services, beyond the direct provision of Internet service to customers, including offering free Wi-Fi in public buildings, community centers or other facilities, leveraging of government-owned fiber networks or infrastructure through sale or lease of these assets, and partnering with other public entities or private businesses in a variety of ways to provide high-speed Internet service to local users.

F. Voters in a growing number of communities across Colorado, including the cities of Boulder, Longmont, Lafayette and Superior, and Boulder Valley School District here in Boulder County, have already passed S.B. 152 override measures for their localities, and several more communities may have the opportunity to vote on such measures this November. In total, the voters of approximately 95 local governments, including roughly half of the counties, in the state have elected to opt out of S.B. 152's restrictions. Some of these jurisdictions have public fiber networks or existing assets to immediately leverage and are developing plans to provide utility-scale broadband services to their constituents; others are simply forward-looking and desiring to position themselves for future opportunities that may arise.

G. While Boulder County does not have a public fiber network and has no plans to create a broadband utility, voter approval of a County S.B. 152 override measure would serve as an important step forward to position the County to explore a variety of possible opportunities, without the constraints of S.B. 152, to partner with public or private organizations to enhance the availability and affordability of high-speed Internet to users within the county or utilize County assets that may become available in the future to serve the broadband needs of the county.

H. Passage of a Boulder County S.B. 152 override measure would not prevent any private business, including existing broadband providers, from initiating or continuing to provide these services.

Therefore, the Board resolves:

1. There shall be referred to the November 7, 2017 election ballot a question to authorize the County to provide high-speed Internet service, telecommunications service, and/or cable television service, including any new and improved high bandwidth services based on future technologies, utilizing existing or new County-owned infrastructure, to schools, libraries, residents, businesses, nonprofit entities and other users or subscribers of such services, either directly or indirectly, with public or private sector partners, as permitted with voter approval by Article 27, Title 29 of the Colorado Revised Statutes as outlined in the preamble to this resolution.

2. Should the voters of Boulder County approve an S.B. 152 override measure as proposed herein, the County shall comply with the general operating limitations set forth in C.R.S. § 29-27-301 for the provision of advanced service, telecommunications service and cable television service by a local government.

3. The Board shall take further action by resolution to set a ballot title for the proposal described herein. For purposes of Section 1-11-203.5, C.R.S., as amended, such resolution shall serve to set the ballot title for such proposal.

A motion to this effect was made by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed by a \_\_\_\_ vote.

**ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_, 2017.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY:**

\_\_\_\_\_  
Deb Gardner, Chair

\_\_\_\_\_  
Cindy Domenico, Vice Chair

\_\_\_\_\_  
Elise Jones, Commissioner

ATTEST:

\_\_\_\_\_  
Clerk to the Board