

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2020-03

RESOLUTION REFERRING TO REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN THE QUESTION OF RESTORING THE TOWN'S AUTHORITY TO PROVIDE ADVANCED SERVICES, TELECOMMUNICATIONS SERVICES AND/OR CABLE TELEVISION SERVICES, EITHER DIRECTLY OR INDIRECTLY, WITH PUBLIC OR PRIVATE SECTOR PARTNERS, AS PERMITTED WITH VOTER APPROVAL BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, AT THE APRIL 7, 2020 REGULAR MUNICIPAL ELECTION

WHEREAS, the Town of Johnstown, Colorado (the "Town") is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town's Home Rule Charter; and

WHEREAS, the Town Council is vested with the authority to administer the affairs of the Town; and

WHEREAS, the Town Council finds and determines that access to high-speed broadband networks and fast, affordable and reliable internet services is essential residents and businesses in the Town and may desire to participate in accomplishing those objectives for the benefit of the Town; and

WHEREAS, in 2005, the Colorado General Assembly enacted Title 29, Article 27 of the Colorado Revised Statutes, commonly known as Senate Bill 152, limiting a local government's authority to provide, or participate in the provision of, advanced services, telecommunication services and/or cable television services, as defined therein, either directly or indirectly, with public or private sector partners, without first securing voter approval; and

WHEREAS, absent such voter approval, Senate Bill 152 limits a local government's ability to enhance broadband infrastructure, by among other means, prohibiting the use of local government funds to improve broadband infrastructure and restricting the use of local government facilities; and

WHEREAS, voters in a growing number of communities across Colorado, including, among over 90 others, Fort Collins, Loveland, Greeley, Severance, Eaton, Fort Lupton, Hudson, and Fort Morgan, have voted to override the restrictions contained in Senate Bill 152 and restore local governmental authority to provide such services, either directly or indirectly, with public or private sector partners; and

WHEREAS, to facilitate the Town's ability to enhance broadband infrastructure should an opportunity arise, the Town Council deems it in the best interests of the citizens to refer the question of opting-out of Senate Bill 152's restrictions; and

WHEREAS, the Town Council hereby finds and determines that it is in the public interest to submit to the electors of the Town, at the regular municipal election to be held on April 7, 2020, the question of opting-out of Senate Bill 152's restrictions and restoring the Town's ability to participate in the referenced services to the voters.

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

1. Pursuant to the Home Rule Charter and Ordinances of the Town of Johnstown and applicable provisions of Colorado law, the Town Council hereby refers to the registered electors of the Town at the regular municipal election to be held on Tuesday, April 7, 2020, the following ballot question, in substantially the same form, to appear on the mail ballot:

WITHOUT INCREASING TAXES, SHALL THE CITIZENS OF THE TOWN OF JOHNSTOWN RE-ESTABLISH THE TOWN'S RIGHT TO PROVIDE ALL SERVICES RESTRICTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, DESCRIBED AS "ADVANCED SERVICES," "TELECOMMUNICATIONS SERVICES" AND "CABLE TELEVISION SERVICES," INCLUDING ANY NEW AND IMPROVED BROADBAND AND HIGH-SPEED INTERNET SERVICES AND FACILITIES BASED ON FUTURE TECHNOLOGIES, EITHER DIRECTLY OR INDIRECTLY, WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES?

_____ YES

_____ NO

2. Pursuant to Home Rule Charter § 6.4, the Town Clerk is hereby authorized to be in charge of all activities and duties related to the April 7, 2020 municipal election. In addition, the officers and employees of the Town are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution.

3. If any portion of this Resolution is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such portion shall not affect any of the remaining portions of this Resolution.

4. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this 22nd day of January, 2020.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: 
Diana Seete, Town Clerk

By: 
Gary Lebsack, Mayor

