

TOWN OF MILLIKEN, COLORADO

RESOLUTION NO. 21-12

A RESOLUTION OF THE TOWN OF MILLIKEN, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN A COORDINATED ELECTION TO BE HELD NOVEMBER 2, 2021, A BALLOT QUESTION TO RESTORE THE TOWN'S AUTHORITY TO PROVIDE ADVANCED SERVICES, TELECOMMUNICATIONS SERVICES AND/OR CABLE TELEVISION SERVICES, EITHER DIRECTLY OR INDIRECTLY, WITH OR WITHOUT PUBLIC OR PRIVATE SECTOR PARTNERS, AS PERMITTED WITH VOTER APPROVAL BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES.

WHEREAS, the Town of Milliken, Colorado ("Town"), is a statutory town, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, in 2005 the Colorado General Assembly enacted Senate Bill 05-152 (SB 152), which prohibits local governments such as the Town from providing cable television services, telecommunication services, or high-speed internet services (advanced services), either directly or indirectly, unless such services are authorized by the electorate; and

WHEREAS, SB 152 has been interpreted by some as prohibiting local governments from providing a wide spectrum of services including such things as internet service in public facilities; leveraging government infrastructure and partnering with private businesses to provide affordable and high-speed internet services throughout the community; and direct provision of broadband services by municipal government where needed; and

WHEREAS, a voter approved exemption from SB 152 would restore local independence and the ability to evaluate all possibilities for next generation broadband services in the Town; and

WHEREAS, the Milliken Town Board of Trustees desires to submit to Milliken Voters, as authorized by SB 152, a question as to whether Milliken should be exempted from the restrictions imposed by SB 152; 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, Fort Morgan, Johnstown, Mead and Berthoud, have voted to override the restrictions contained in SB 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 Board deems it in the best interest of the citizens to refer the question of opting-out of SB 152's restrictions; and

WHEREAS, an election will be held on Tuesday, November 2, 2021, conducted as a coordinated election in conjunction with Weld County (the "Election");

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof directed toward the election in relation to the objects and purposes herein stated are hereby ratified, approved and confirmed.

Section 2. The following Ballot Question shall be submitted to the qualified electors of the Town voting at the Municipal Election to be held on November 2, 2021:

WITHOUT INCREASING TAXES, SHALL THE CITIZENS OF THE TOWN OF MILLIKEN 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 OR WITHOUT PUBLIC OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES AS EXPRESSLY PERMITTED BY ARTICLE 27, TITLE 29, OF THE COLORADO REVISED STATUTES?

YES _____

NO _____

Section 3. This Resolution shall serve to set the Ballot Title for the Ballot Question set forth above, and the Ballot Title for the Ballot Question shall be the text of such Ballot Question.

Section 4. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 5. Upon approval of the above Ballot Question by the majority of the registered electors voting thereon, the Board shall enact an implementing ordinance to carry out all legal and regulatory requirements associated with the above Ballot Question.

Introduced, read, passed and adopted this 28th day of July 2021.

TOWN OF MILLIKEN


By: Elizabeth Austin, Mayor

ATTEST


Caree Rinebarger, Town Clerk