

**A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
SUPPORTING BALLOT QUESTION 2F RELATED TO THE LOCAL RIGHT TO
USE MUNICIPAL FIBER OPTIC INFRASTRUCTURE**

WHEREAS, the use of fiber optic infrastructure in many communities has proven to substantially, if not dramatically, increase residential and business Internet speeds and enhance other telecommunication services; 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 at Title 29, Article 27, C.R.S.) to directly revoke and deny all Colorado municipalities the right to use municipal facilities, improvements, and fiber optic infrastructure to provide high-speed Internet, advanced telecommunications, and cable television services to residents and businesses; and

WHEREAS, Senate Bill 05-152 limits the ability of Colorado cities to provide a wide spectrum of telecommunications services including free internet services in city buildings, libraries and community buildings; 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, the City Council has approved a ballot question to be placed on the November 4, 2014 ballot asking the voters to reauthorize the City to directly or indirectly provide with public or private sector partners high-speed internet, telecommunications services, and/or cable television services to residents, businesses, schools, libraries, non-profit entities and other users; and

WHEREAS, ballot question #2F is not seeking a tax increase and does not prevent existing cable and telecommunications providers from continuing to provide services to their existing and new customers; and

WHEREAS, although the City of Cherry Hills Village 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 both public and private sector partners to use the City's fiber optic infrastructure to deliver services to residents and businesses; and

WHEREAS, cities should have local control on critical issues such as the telecommunication needs of the community and the City Council finds that this important issue should be decided at the local level as a matter of self-determination; and

WHEREAS, the City Council further finds that Cherry Hills Village should have the right to fully leverage community-owned infrastructure in order to explore a variety of options to make such infrastructure available to serve the broadband needs of the Village residents, businesses, schools, libraries and other users; and

WHEREAS, if ballot question #2F is approved by the voters, Cherry Hills Village would be exempted from a state law that otherwise restricts the Village's ability to explore ways in which to improve the community's broadband capabilities.

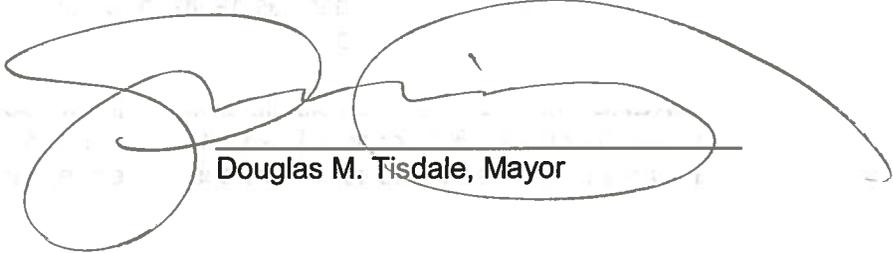
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cherry Hills Village as follows:

Section 1. The City Council hereby supports ballot question #2F and urges **A YES VOTE** at the November 4, 2014 coordinated election.

Section 2. This Resolution shall be effective immediately upon adoption.
DONE AND RESOLVED THIS 16TH DAY OF September 2014.

Introduced, passed and adopted at the regular meeting of the City Council this 16th day of September, 2014, by a vote of 6 yes and 0 no.

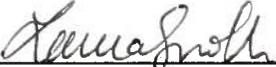
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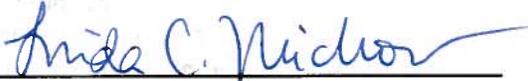
Douglas M. Tisdale, Mayor

ATTEST:

Approved as to form:



Laura Smith, City Clerk



Linda C. Michow, City Attorney