

RESOLUTION NO. 11
(Series 2020)

**A RESOLUTION OF THE TOWN OF BERTHOUD,
COLORADO, SUBMITTING TO THE REGISTERED
ELECTORS VOTING IN A COORDINATED ELECTION TO
BE HELD NOVEMBER 3, 2020 A BALLOT QUESTION TO
AUTHORIZE THE TOWN OF BERTHOUD TO PROVIDE
TELECOMMUNICATION SERVICES, HIGH SPEED
INTERNET SERVICES AND/OR CABLE TELEVISION
SERVICES EITHER DIRECTLY OR INDIRECTLY, WITH
PUBLIC OR PRIVATE SECTOR PARTNERS**

WHEREAS, the Town of Berthoud, Colorado ("Town"), is a statutory town; 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 Berthoud Town Board of Trustees desires to submit to Berthoud voters, as authorized by SB152, a question as to whether Berthoud should be exempted from the restrictions imposed by SB 152; and

WHEREAS, an election will be held on Tuesday, November 3, 2020, conducted as a coordinated election in conjunction with Larimer and Weld Counties (the "Election");

**THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES
OF THE TOWN OF BERTHOUD, 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 3, 2020:

AFFIRMING THE TOWN OF BERTHOUD'S RIGHT TO PROVIDE INTERNET, TELECOMMUNICATION AND CABLE TELEVISION SERVICES

WITHOUT INCREASING TAXES, SHALL THE CITIZENS OF THE TOWN OF BERTHOUD 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

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 11th DAY OF AUGUST, 2020.

ATTEST:

Christian R. Samora, Town Clerk

TOWN OF BERTHOUD

Will Garspeck, Mayor

