

## Introduction to Broadband Resolution.

Municipal Broadband is an option in Colorado for Counties, Cities or Districts. It allows governments to either negotiate for better internet and cable service or provide it directly. However, this option can only be considered if the electorate of the entity vote to allow their community to provide these services.

- Municipal broadband generally offers speeds of 1,000 mbps vs current levels of 20 mbps provided by Comcast. They charge extra for speeds of 100 mbps.
- This ballot question has been approved by over 120 entities so far with 19 approvals last month with over 80% approval in most votes.
- Offering a ballot question in no way obligates the District to do anything.
- An affirmative vote on the ballot question in no way obligates the District to do anything.
- Adding this ballot question to the May vote for Directors, would have minimal cost.
- The resolution states that if a vote for Directors is not necessary, then the ballot question would not occur, thereby eliminating the cost of an election.
- If the ballot question is not presented, it could be two years before the opportunity presents itself again.
- Communities that have approved this measure have seen improved internet speeds from current providers who fear being replaced.
- If Jefferson County offered this ballot question and it was approved, it has yet to be determined if Special Districts might be forced out by current ISP's. But, if both the District and the County both approve these measures, then they are free to pursue what ever options they desire.

## **Text of Ballot Question**

"Without increasing taxes, shall Dancing Willows Metropolitan District have the right to provide advanced services (high speed internet), cable television services, and telecommunications services, either directly or indirectly with public and/or private sector partners, to residents and other users of such services located within the boundaries of Dancing Willows Metropolitan District as expressly permitted by Title 29, Article 27 of the Colorado Revised Statutes?"

## RESOLUTION

### DANCING WILLOW METROPOLITAN DISTRICT JEFFERSON COUNTY, COLORADO

**A RESOLUTION PROVIDING FOR THE SUBMISSION, TO THE REGISTERED QUALIFIED ELECTORS OF DANCING WILLOWS METROPOLITAN DISTRICT, JEFFERSON COUNTY, COLORADO, OF A BALLOT QUESTION REGARDING WHETHER DANCING WILLOWS METROPOLITAN DISTRICT, JEFFERSON COUNTY, COLORADO MAY PROVIDE TELECOMMUNICATIONS SERVICES, ADVANCED SERVICES (HIGH SPEED INTERNET) AND CABLE TELEVISION SERVICES, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS; SAID BALLOT QUESTION TO BE SUBMITTED AT THE GENERAL ELECTION TO BE HELD MAY 8, 2018, IF THE GENERAL ELECTION IS HELD; PRESCRIBING THE FORM OF BALLOT QUESTION FOR SUBMISSION AT SAID ELECTION; PROVIDING FOR CERTIFICATION OF THE ELECTION QUESTION TO THE APPROPRIATE OFFICE; AND OTHERWISE PROVIDING FOR THE CONDUCT THEREOF**

**WHEREAS**, affordable, reliable, and innovative telecommunication services, including, but not limited to, broadband internet services, are hereby found and determined to be essential for Dancing Willows' residents in today's economic environment and for quality of life; and

**WHEREAS**, in 2005, the Colorado General Assembly enacted Senate Bill 152, codified at §29-27-101, C.R.S., et seq., which provides that before a local government may provide telecommunications services, advanced services (high speed internet) and cable television services, as such services are defined in the statute, either directly or indirectly, it must call an election on the question of providing such services and obtain the approval of the majority of its registered electors voting on any such ballot question; and

**WHEREAS**, the effect of Senate Bill 152, codified in Colorado statute, has been to restrict Dancing Willows' ability to improve its connectivity through either the provision of direct, or indirect services in cooperation with other public or private sector services providers, as set forth in §29-27-103. C.R.S.; and

**WHEREAS**, the Dancing Willows Metropolitan District Board of Directors does hereby find and determine that re-establishing Dancing Willows' legal ability to directly and/or indirectly provide such telecommunications services, advanced services (high speed Internet) and cable television services could allow Dancing Willows to implement local telecommunications solutions that would provide or improve needs based on access for the district's residents; and

**WHEREAS**, the Dancing Willows Metropolitan District Board of Directors desires to submit to the registered electors of Dancing Willows, Jefferson County, Colorado a ballot question regarding whether Dancing Willows **may** provide, **without increasing taxes**, telecommunications services, advanced services (high speed Internet) and cable television services, either directly or indirectly with public and/or private sector partners at the next general election on May 8, 2018; and

**WHEREAS**, any such ballot question must be approved by a majority of the legally eligible registered electors of Dancing Willows Metropolitan District voting on such ballot measure before becoming effective; and

**WHEREAS**, the monetary cost of an election would be prohibitively high for a single ballot question; and

**WHEREAS**, pursuant to section 1-5-203(3), C.R.S., no later than sixty days before any election the designated election official of each political subdivision that intends to conduct an election shall certify the order of the ballot and ballot content.

**WHEREAS**, such election shall be conducted by Community Resource Services of Colorado in accordance with the "Uniform Election Code", Articles 1 to 13, of Title 1, Colorado Revised Statutes.

**NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Dancing Willows Metropolitan District, Jefferson County, State of Colorado, as follows:**

1. The following ballot title and ballot question is hereby referred and submitted to the registered electors of Dancing Willows Metropolitan District, Jefferson County, Colorado, at the May 8, 2018 general election (only if held to elect Directors):

Dancing Willows Metropolitan District Broadband Service Authorization

"Without increasing taxes, shall Dancing Willows Metropolitan District have the right to provide advanced services (high speed internet), cable television services, and telecommunications services, either directly or indirectly with public and/or private sector partners, to residents and other users of such services located within the boundaries of Dancing Willows Metropolitan District as expressly permitted by Title 29, Article 27 of the Colorado Revised Statutes?"

YES/FOR \_\_\_\_\_

NO/AGAINST \_\_\_\_\_

2. Said ballot question shall be voted upon only by Dancing Willows Metropolitan District, Jefferson County, Colorado, registered electors legally eligible to vote at the May 8, 2018 general election.

3. The Board of Directors hereby direct that a copy of this Resolution be certified and filed with the Designated Election Official before the close of business on March 9, 2018 and authorizes and directs the Designated Election Official to certify the ballot issue and ballot content as provided by law.

4. Pursuant to the provisions of C.R.S. 1-5-203(3), the Designated Election Official, shall certify the ballot.

5. If any part, section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

6. The Board finds, determines and declares that this Resolution is necessary for the public health,

safety and welfare of the citizens of the Dancing Willows Metropolitan District, County of Jefferson, State of Colorado.

MOVED, READ AND ADOPTED, by the Board of Directors, Dancing Willows Metropolitan District County of Jefferson, State of Colorado, at its regular meeting held the 14<sup>th</sup> day of December, 2017.

ATTEST:  By: _____	DANCINGWILLOWS METROPOLITAN DISTRICT, COUNTY OF JEFFERSON, STATE OF COLORADO, By and Through Its BOARD OF DIRECTORS  By: _____  By: _____  By: _____  By: _____
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This Resolution passed by \_\_\_\_\_ vote of the Board of Directors, Dancing Willows Metropolitan District, County of Jefferson, State of Colorado.