

**TOWN OF LYONS, COLORADO
RESOLUTION 2018-12**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO,
APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS AT THE
REGULAR MAIL BALLOT ELECTION TO BE HELD APRIL 3, 2018 RELATED TO THE
LOCAL RIGHT TO PROVIDE HIGH-SPEED INTERNET (ADVANCED SERVICE),
TELECOMMUNICATIONS, AND/OR CABLE TELEVISION SERVICES**

WHEREAS, the Town of Lyons ("Town") will conduct a regular mail ballot election on Tuesday, April 3, 2018; and

WHEREAS, until 2005, municipalities throughout Colorado enjoyed the right and authority 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 in Article 27 of Title 29, C.R.S.) to revoke and deny all Colorado municipalities the right to provide directly or indirectly high-speed Internet, advanced telecommunications, and cable television services to residents and businesses; 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 provide high-speed Internet, telecommunications, and cable television services to residents, businesses, and other local entities; and

WHEREAS, the Lyons Board of Trustees has the authority, and desires to place a proposed ballot question on the April 3, 2018 ballot concerning the local right to provide high-speed Internet services (advanced service), telecommunications services, and/or cable television services; and

WHEREAS, construction, use, and operation of facilities and infrastructure for the purpose of providing high-speed Internet services (advanced service), telecommunications services, and/or cable television services and the ability to partner with private and public sector partners to provide such services would likely attract Internet providers, enhance local economic development efforts, and potentially increase competition, thereby decreasing the costs of these services to residents, businesses, and other local entities; and

WHEREAS, the Board of Trustees has determined it is in the best interests of the Town to refer a ballot question to the voters concerning the Town's ability to provide directly or indirectly high-speed Internet, advanced telecommunications, or cable television services, as authorized pursuant to C.R.S. § 29-27-201, through private companies or public sector partners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO that:

Section 1. The Board of Trustees hereby refers and approves the following ballot

question for submission to the registered electors and to appear on the ballot for the April 3, 2018 regular mail ballot election:

SHALL THE TOWN OF LYONS, WITHOUT INCREASING TAXES BY THIS MEASURE, AND TO RESTORE LOCAL AUTHORITY THAT WAS DENIED TO LOCAL GOVERNMENTS BY THE COLORADO GENERAL ASSEMBLY AND FOSTER A MORE COMPETITIVE MARKETPLACE, BE AUTHORIZED TO PROVIDE HIGH-SPEED INTERNET, INCLUDING IMPROVED HIGH BANDWIDTH SERVICES BASED ON NEW TECHNOLOGIES, TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS, AS EXPRESSLY PERMITTED BY ARTICLE 27, TITLE 29 OF THE COLORADO REVISED STATUTES?

YES _____
NO _____

Section 2. This Resolution and the ballot question posed to the electorate are intended and should be interpreted to restore to the greatest extent possible the right of self-governance, self-determination, and local control over all matters addressed in Article 27 of Title 29, C.R.S.

Section 3. For purposes of C.R.S. § 31-11-111, this Resolution shall serve to set the title and content for the ballot question set forth herein and the ballot title for such question shall be the text of the question itself.

Section 4. The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

Section 5. The Town Administrator, Town Attorney, and Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including the taking of all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the April 3, 2018 regular mail ballot election.

Section 6. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution.

Section 7. This Resolution shall take effect upon its approval by the Board of Trustees.

ADOPTED THIS 16TH DAY OF JANUARY, 2018.

TOWN OF LYONS, COLORADO

By: _____
Connie Sullivan, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
Deb Anthony, Town Clerk

By: _____
Town Attorney