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2 **BY AUTHORITY**

3 ORDINANCE NO.
4 SERIES OF 2020

COUNCIL BILL NO. 20-0606
COMMITTEE OF REFERENCE:
Finance and Governance

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6
7 **A BILL**

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9 For an ordinance submitting to a vote of the registered electors of the City and County of
10 Denver at a special municipal election to be held in conjunction with the coordinated
11 election on November 3, 2020, the question of whether the City and County of Denver,
12 without increasing taxes by this measure, reestablish the city’s right to provide all
13 services restricted since 2005 by the Colorado General Assembly with their passage of
14 Senate Bill 05-152, including the authority but not obligation to provide high-speed
15 Internet (advanced services), telecommunication services, and cable television services,
16 including any new and improved high bandwidth services based on future technologies,
17 to residents, businesses, schools, libraries, non-profit entities and other users of such
18 services either directly or indirectly with public or private sector partners, as expressly
19 permitted by Article 27, Title 29 of the Colorado Revised Statutes.
20

21 **WHEREAS**, in 2005, the Colorado General Assembly enacted article 27 of title 29 of the
22 Colorado Revised Statutes, know as Senate Bill 05-152 (“S.B. 152”), intended to limit local
23 government competition with the private sector in the provision of broadband (advanced services),
24 telecommunications, and cable television services by, among other things, requiring local
25 governments to secure voter approval before entering into or participating in the broadband business;

26 **WHEREAS**, without voter approval, S.B. 152 limits the ability of local governments to provide a
27 wide spectrum of broadband related services, beyond the direct provision of internet service to
28 customers, including offering free wi-fi in public buildings, community centers, or other facilities,
29 leveraging of government-owned fiber networks or infrastructure through sale or lease of these assets,
30 and partnering with other public entities or private businesses in a variety of ways to provide high-
31 speed internet service to local users;

32 **WHEREAS**, while the City and County of Denver currently has no plans to create a broadband
33 utility, voter approval of this ballot question would remove the City and County of Denver from the
34 restrictions of S.B. 152 and serve as an important step forward to position the City and County of
35 Denver to explore a variety of possible opportunities, without the constraints of S.B. 152, to partner
36 with public or private organizations to enhance the availability and affordability of high-speed internet
37 to users within the City and County of Denver or utilize City and County of Denver assets that may

1 become available in the future to serve the broadband needs of the City and County of Denver.

2 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

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4 **Section 1.** There is hereby submitted to the registered electors of the City and County of
5 Denver for their approval or rejection at a special municipal election held in conjunction with the
6 coordinated election on November 3, 2020, the following question:

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8 Shall the City and County of Denver, without increasing taxes by this measure, reestablish
9 the city's right to provide all services restricted since 2005 by the Colorado General
10 Assembly with their passage of Senate Bill 05-152, including the authority but not obligation
11 to provide high-speed Internet (advanced services), telecommunication services, and cable
12 television services, including any new and improved high bandwidth services based on
13 future technologies, to residents, businesses, schools, libraries, non-profit entities and other
14 users of such services either directly or indirectly with public or private sector partners, as
15 expressly permitted by Article 27, Title 29 of the Colorado Revised Statutes?

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17 **Section 2.** The ballot shall contain the following title and submission clause:

18

19 **REFERRED QUESTION _____**

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21 Shall the City and County of Denver, without increasing taxes by this measure, reestablish the city's
22 right to provide all services restricted since 2005 by the Colorado General Assembly with their
23 passage of Senate Bill 05-152, including the authority but not obligation to provide high-speed Internet
24 (advanced services), telecommunication services, and cable television services, including any new
25 and improved high bandwidth services based on future technologies, to residents, businesses,
26 schools, libraries, non-profit entities and other users of such services either directly or indirectly with
27 public or private sector partners, as expressly permitted by Article 27, Title 29 of the Colorado Revised
28 Statutes?

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30 **Section 3.** The proper officials of the City and County of Denver as are charged with duties
31 relating to the election shall, before the election, issue such calls, make such certifications and
32 publications, give such notices, make such appointments, and do all such other acts and things in
33 connection with the submission of this ballot question to the registered electors of the City and

1 County of Denver at the election as are required by the Constitution and laws of the State of
2 Colorado and the Charter and ordinances of the City and County of Denver.

3 **Section 4.** The ballots cast at such election shall be canvassed and the results ascertained,
4 determined, and certified in accordance with the requirements of the Constitution and laws of the
5 State of Colorado and the Charter and ordinances of the City and County of Denver.

6 **Section 5.** If any section, paragraph, clause, or other portion of this ordinance is held to be
7 invalid or unenforceable for any reason, the validity of the remaining portions of this ordinance shall
8 not be affected.

9
10 COMMITTEE APPROVAL DATE: _____, 2020.

11 MAYOR-COUNCIL DATE: _____, 2020.

12 PASSED BY THE COUNCIL _____ 2020

13 _____ - PRESIDENT

14 APPROVED: _____ - MAYOR _____ 2020

15 ATTEST: _____ - CLERK AND RECORDER,
16 EX-OFFICIO CLERK OF THE
17 CITY AND COUNTY OF DENVER
18

19 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2020; _____ 2020

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21 PREPARED BY: Jonathan Griffin, Assistant City Attorney; DATE: June 10, 2020

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23 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
24 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
25 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
26 3.2.6 of the Charter.
27

28 Kristin Bronson, City Attorney

29 BY: _____, _____ City Attorney

30 DATE: _____