

RESOLUTION NO. 22-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO CALLING FOR A SPECIAL ELECTION TO BE HELD
CONCURRENTLY WITH THE COORDINATED ELECTION ON NOVEMBER 8, 2022
TO REFER A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE
CITY SEEKING TO RE-ESTABLISH THE CITY'S LEGAL AUTHORITY TO
PROVIDE ADVANCED SERVICES (HIGH SPEED INTERNET), CABLE TELEVISION
SERVICES, AND/OR TELECOMMUNICATIONS SERVICES, EITHER DIRECTLY
OR INDIRECTLY AND WITH PUBLIC OR PRIVATE SECTOR PROVIDERS, AND
SETTING THE TITLE FOR SUCH BALLOT QUESTION**

WHEREAS, affordable, reliable, and innovative telecommunications services, including, but not limited to, broadband internet services, has become a necessity for Castle Pines' residents and businesses to maintain quality of life and enhance business operations and opportunities; and

WHEREAS, in 2005 the Colorado General Assembly enacted Senate Bill 05-152, codified at C.R.S. § 29-27-101, *et seq.*, which provides that before a local government may provide telecommunications services, advanced services (high speed internet), or 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 05-152 has been to restrict the City's ability to improve its connectivity through either the provision of direct, or indirect services in cooperation with other public or private sector service providers, as set forth in C.R.S. § 29-27-103, "Limitations on providing cable television, telecommunications, and advanced services"; and

WHEREAS, the Castle Pines City Council does hereby find and determine that re-establishing the City's legal ability to directly and/or indirectly provide such cable television, telecommunications, and advanced services (high speed internet) could allow Castle Pines to implement local telecommunications solutions that would provide or improve needs-based access for the City's residents and businesses; and

WHEREAS, the Castle Pines City Council desires to call a special election to refer to the registered electors of the City a proposal to re-establish the City's legal ability to provide cable television, telecommunications, and advanced services (high speed internet) either directly or indirectly and with public or private sector service providers at the next general election on November 8, 2022; and

WHEREAS, pursuant to Section 4.2(b) of Article IV of the City of Castle Pines Home Rule Charter, the City Council is authorized to call a special election by resolution or ordinance at least sixty days in advance of such special election; and

WHEREAS, the City Council desires to hold such special election concurrently with the coordinated state election on November 8, 2022 ("Coordinated Election"); and

WHEREAS, pursuant to C.R.S. § 1-5-203(3), C.R.S., the Castle Pines City Council must certify ballot contents to the Douglas County Clerk and Recorder for said November 8, 2022, election on or before September 9, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THAT:

Section 1. Pursuant to the authority under Section 4.2(b) of Article IV of the Castle Pines Home Rule Charter, the City Council calls a special election to be held as part of the Coordinated Election conducted by mail ballot on November 8, 2022.

Section 2. In accordance with Section 2-2-10 of the Castle Pines Municipal Code, the special election shall be conducted in accordance with the requirements and procedures of the Uniform Election Code of 1992, Articles 1-13 of Title 1, C.R.S..

Section 3. The purpose of the special election is to refer and hereby approve the following ballot question for submission to the voters and to appear on the ballot for the special election to be held on November 8, 2022:

“BALLOT QUESTION _____

Without increasing taxes, and pursuant to Title 29, Article 27, Part 1 of the Colorado Revised Statutes, shall the City of Castle Pines be authorized to re-establish the authority to participate in, facilitate, or partner with third parties offering advanced services (also known as high-speed internet access capability), cable television service and/or telecommunications service including any new and improved bandwidth services, utilizing the existing City owned fiber optic network and/or developing additional infrastructure, either directly or indirectly to residential, commercial, nonprofit, government or other subscribers within the boundaries of Castle Pines, Colorado?

Yes _____

No _____”

Section 4. Nothing in this Resolution or the ballot title or question shall amend, alter, impair, or affect the prior voter approvals of, and exemptions approved for, the City’s retention of revenues in excess of the limits set forth in Article X, Section 20, of the Colorado Constitution.

Section 5. 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 6. The City Clerk is authorized to correct typographical errors and omissions and to cause to be entered into the blanks of the ballot issue the appropriate ballot question number or

letter upon designation of the ballot number or letter by the appropriate election official.

Section 7. The City Manager, City Attorney, and City Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the election.

Section 8. 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 issues of this Resolution.

Section 9. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES BY A VOTE OF 5 IN FAVOR, 0 AGAINST, AND 2 ABSENT THIS 23rd DAY OF AUGUST 2022.

DocuSigned by:
Tracy Engerman
18352120594545A...
Tracy Engerman, Mayor

ATTEST:
DocuSigned by:
Tobi Duffey
AD07A2B02032490...
Tobi Duffey, MMC, City Clerk

APPROVED AS TO FORM:
DocuSigned by:
Linda C. Michow
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Linda C. Michow, City Attorney

