

**June 8, 2021  
BALLOT QUESTION**

**Exemption from SB 152**

**All voters within the City of Cortez  
will be asked Question 1**

Without increasing taxes, shall the authority of the City of Cortez to provide high-speed internet services (advanced services), telecommunication services, and cable television services (as defined in Title 29, Article 27, Part 1, Colorado Revised Statutes) be affirmed and reestablished, with such services to be provided either directly or indirectly with public or private sector partners to potential subscribers that may include telecommunications service providers, residential and commercial users, public and non-profit entities, and other users, without limiting its home rule authority?



This election is a natural next step in providing enhanced internet service to the entire community.

Previous legal opinion(s) indicating that the City of Cortez was exempt from the SB 152 opt out process are no longer valid, due to the passage of time and changes in circumstance. It is necessary for the City to opt out of SB152 as required in C.R.S. 29-27-201.

**Tell me more about Colorado Senate Bill 152**

SB 152 is a measure passed by the Colorado Legislature in 2005. Its intent was to limit governments from competing with the private sector. Among other provisions, it requires local governments to secure voter approval before entering into the broadband partnerships or business. Without such approval, the law limits the ability of Colorado local governments to provide a wide spectrum of services, including:

- free Internet service in city libraries, parks and community centers;
- leveraging government infrastructure and partnering with private businesses to provide affordable and high-speed Internet service throughout the entire community;
- direct provision of broadband services by municipal governments where needed.

**How Can I Vote?** Ballots are mailed to voters by Monday, May 17<sup>th</sup>, 2021. Ballot drop-off locations are located at:

- City Hall drop box, rear lot of City Hall 123 Roger Smith Avenue Cortez, Colorado
- Inside City Hall 123 Roger Smith Avenue Cortez, Colorado
- Mail Ballot back to 123 Roger Smith Avenue, Cortez, CO 8321

Ballots must be received by Election Day — Tuesday, June 8, 2021 by 7:00 P.M.

## **How would an exemption from SB 152 Benefit our Communities?**

A voter-approved exemption from SB 152 would restore local independence and ability to evaluate all possibilities for next generation broadband services in the City of Cortez and our communities. An exemption supports local choice and options, allowing citizens to make the best decisions based on the needs of our own individual communities, without raising taxes.

### **Questions**

Questions regarding the SB 152 opt out election should be sent to [\*\*votesb152@cityofcortez.com\*\*](mailto:votesb152@cityofcortez.com)

Thank you for your questions about the SB 152 Election. A response will be sent within 24 hours of your email.+



## SB 152 exemption outcomes could include:

**Better Access** to high speed broadband services for residents and businesses alike.

**Intensified Innovation** by local businesses and entrepreneurs.

**Affordable Internet Access**, Cortez partners with internet service providers and key institutions to more efficiently expand internet service.

**A Cleaner Environment**, as high speed internet reduced commuting needs and promotes high tech green jobs.

**More Connected Communities**, with new avenues for public engagement in local decision-making and new opportunities for connected social spaces and creative networking.

**Improved Quality of Life**, as local residents have better access to information in work and at home, allowing more free time to enjoy all that the surrounding area has to offer



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### What is fiber-optic broadband?

Fiber-optic broadband cable can run underground or in the air on existing poles. Pulses of light allow very reliable connections and can quickly carry large amounts of data over long distances. Fiber-optic cable is a dedicated internet connection and is not shared with cable services. Fiber-optic network speeds are typically 100 megabits to 10 gigabits per second, compared to 20 to 100 megabits per second for a typical cable internet connection, or 3 megabits per second or less for traditional copper phone service

### Does City of Cortez own existing fiber?

Yes, City of Cortez currently owns 20 miles of fiber in the ground in City 'rights of way.'

### Are other Colorado Cities exempt from SB 152

Voters in 105 municipalities and 40 counties have overwhelmingly voted to exempt themselves from the requirements of SB 152, passing measures that affirm their local choice to decide how broadband services develop in these communities.

Exemptions have been approved in:

- Montezuma County
- Dolores
- Mancos
- Montrose
- La Plata County
- Delta
- Durango
- Grand Junction
- Bayfield
- Telluride
- Ignacio

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### This Ballot item IS:

If voters approve this ballot item, City of Cortez and your community would be exempted from a state law that otherwise purports to limit local governments from improving broadband capabilities. With this exemption, the community would be permitted to establish business partnerships with private companies to increase access to high-speed broadband internet, opt to provide this service itself, or develop a combined strategy to benefit residents and businesses alike.

### This ballot item IS NOT:

This ballot item would not prevent any private business, including existing broadband providers, from initiating or continuing to provide these services. City of Cortez does not have plans to create a public broadband utility, nor do any communities within the county. Passage of this measure would allow the county and communities to explore a variety of options to make assets available to serve the broadband needs of residents, students and businesses.