

Memo

To: Mayor and Town Council

From: Lyle L Layton

Date: July 5, 2016

Re: Senate Bill 05-152

Colorado Senate Bill 05-152 states that: "Before a local government may engage or offer to engage in providing cable television service, telecommunications service, or advanced service, an election shall be called on whether or not the local government shall provide the proposed cable television service, telecommunication service or advanced service."

Many local governments across Colorado have already put this question to their citizens, therefore opting out of the restriction of providing such services. More reliable and faster internet service is becoming a driver to economic development which is at least partly behind this movement. Internet use is doubling each year for a number of reasons, one being that watching one video is comparable to viewing 30,000 web pages. Therefore faster speeds are required for efficiency and many communities do not have the necessary infrastructure to keep up with the residential and business demand. Garfield and Mesa Counties are teaming up to study broadband needs of the area and if the local government entities should become involved in providing service. Rio Blanco County, to the north, conducted a study, opted out of the restriction and is near completion on installing the infrastructure to provide internet to almost all of the county. At a recent GARCO Economic Development Partners meeting the broadband study consultant noted that Longmont is a financial success story of a local government which opted out of the state law and is providing the service to citizens.

It appears that Garfield County would like for all the local governments to hold an election to opt out of the state restriction. This would facilitate a quicker response if they decide to proceed with a county wide system. The state has earmarked funds to be granted by DOLA to assist with these projects. I believe that these types of projects could also move the private sector to act sooner in providing better service. I am not sure what the cost would be to add this to the existing election, but would anticipate it would be very minimal.

The following stories have been tagged **sb 152**

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[Colorado Communities Opting Out: The List Grows...and Grows...and Grows](/content/colorado-communities-opting-out-list-growsand-growsand-grows) (/content/colorado-communities-opting-out-list-growsand-growsand-grows)

Mon, June 27, 2016 | Posted by [lgonzalez \(users/lgonzalez\)](#)



</content/colorado-communities-opting-out-list-growsand-growsand-grows>

Recently, Christopher spoke with Glenwood Springs, Colorado (<https://muninetworks.org/content/glenwood-springs-shares-lessons-learned-community-broadband-bits-podcast-206>), about their venture into providing high-quality Internet access for the community. They were, to our knowledge, the first Colorado community to pass a referendum reclaiming local telecommunications authority. The voters in Glenwood Springs chose to opt

out of SB 152 and reclaim that authority in 2008.

Last fall was a banner season (<https://muninetworks.org/content/voters-quiet-drums-polls-colorado>) for local communities deciding to no longer be limited by the state restrictions borne out of big cable lobbying. More than four dozen municipalities and counties voted on the issue and all of them passed, many with huge margins. In the spring of this year, [nine more towns joined the fray](https://muninetworks.org/content/more-colorado-communities-shut-out-state-barriers-voting-booth) (<https://muninetworks.org/content/more-colorado-communities-shut-out-state-barriers-voting-booth>), including Mancos (<https://muninetworks.org/content/mancos-voters-latest-decide-local-authority-colorado>), Fruita, and Orchard City. There are also over 20 counties and number of school districts that have taken the issue to voters and voters responded overwhelmingly saying, "YES! WE WANT LOCAL TELECOMMUNICATIONS AUTHORITY!"

Most of these communities have not expressed an intent to invest in publicly owned infrastructure, but a few places are [engaged in feasibility studies](https://muninetworks.org/content/three-communities-make-big-moves-toward-municipal-fiber-networks) (<https://muninetworks.org/content/three-communities-make-big-moves-toward-municipal-fiber-networks>), [are raising funding](https://muninetworks.org/content/steamboat-springs-gets-grant-fiber-future) (<https://muninetworks.org/content/steamboat-springs-gets-grant-fiber-future>), or even [in the midst of projects](https://muninetworks.org/content/durangos-dark-fiber-fosters-wi-fi-freebie) (<https://muninetworks.org/content/durangos-dark-fiber-fosters-wi-fi-freebie>). For most of them, the question of autonomy was the overriding issue - local communities want to be the ones to make the decisions that will impact them at home.

The Colorado Municipal League (CML) has **assembled a list of municipalities** that have held referendums on the question of 2005's SB 152 and whether or not to reclaim local authority. They list each community's election by date and include the language of their ballot questions. Some community listings provide the percentage of pro and con votes. You can [download the PDF of the list](https://www.cml.org/election-152/) (<https://www.cml.org/election-152/>) from the CML's page created specifically (<https://www.cml.org/issues.aspx?taxid=11124>) for the local telecommunications authority question.

Wasted Dollars, Wasted Time

Referendums are costing each community dollars they could spend on important services. In 2015, the referendum in Fort Collins cost taxpayers **more than \$60,000**. Those are precious dollars that could be dedicated toward a feasibility study, a school district technology program, or some other program designed to improve their quality of life.

Cities and towns are not alone in reclaiming local authority. Here is the list of counties that have passed the referendum, opting out of SB 152 restrictions:

Archuleta County	Clear Creek County	Custer County
Delta County (https://muninetworks.org/content/colorado-and-mississippi-test-white-space-technology)	Gilpin County	Gunnison County
Huerfano County	Jackson County	La Plata County
Lake County	Moffat County (https://muninetworks.org/content/colorados-unique-environment-local-collaboration-community-broadband-bits-episode-179)	Ouray County
Park County	Pitkin County (https://muninetworks.org/content/more-feasibility-studies-colorado-and-ohio)	Rio Blanco County (https://muninetworks.org/content/rural-rio-blanco-county-builds-open-access-fiber-wireless-community-broadband-bits-podcast)

Routt County https://muninetworks.org/tags/tags/routt-county	San Juan County https://muninetworks.org/content/more-colorado-communities-will-ask-voters-reclaim-local-authority	San Miguel County
Summit County	Washington County	Yuma County

We're not sure what it will take for the Colorado Legislature to see the light and strike SB 152 from the books but we hope they open their eyes soon. We think Colorado will be an epicenter of change and we will be watching.

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Glenwood Springs Shares Lessons Learned - Community Broadband Bits Podcast 206

</content/glenwood-springs-shares-lessons-learned-community-broadband-bits-podcast-206>

Tue, June 14, 2016 | Posted by [christopher](#) ([users/christopher](#))



</content/glenwood-springs-shares-lessons-learned-community-broadband-bits-podcast-206>

Last week, while at my favorite regional broadband conference - [Mountain Connect](http://mountainconnect.org/) (<http://mountainconnect.org/>), I was asked to moderate a panel on municipal fiber projects in Colorado. You can watch it via the [periscope video stream that was recorded](#)

<https://twitter.com/MountainConnect/status/740257186119487489> . It was an excellent panel and led to this week's podcast, a discussion with Glenwood Springs Information Systems Director Bob Farmer.

Bob runs the [Glenwood Springs Community Broadband Network](http://gscbn.com/) (<http://gscbn.com/>), which has been operating for more than 10 years. It started with some fiber to anchor institutions and local businesses and a wireless overlay for residential access. Though the network started by offering [open access](#) ([glossary/1#term625](#)), the city now provides services directly. We discuss the lessons learned.

Bob also discusses what cities should look for in people when staffing up for a community network project and some considerations when deciding who oversees the network. Finally, he shares some of the successes the network has had and what continues to inspire him after so many years of running the network.

Read the transcript from this show [here](https://muninetworks.org/content/transcript-community-broadband-bits-episode-206). (<https://muninetworks.org/content/transcript-community-broadband-bits-episode-206>)

We want your feedback and suggestions for the show-please [e-mail us](mailto:podcast@muninetworks.org) (<mailto:podcast@muninetworks.org>) or leave a comment below.

This show is 21 minutes long and can be played below on this page or via iTunes (<http://feeds.feedburner.com/BroadbandBits>) or via the tool of your choice using [this feed](http://feeds.feedburner.com/BroadbandBits) (<http://feeds.feedburner.com/BroadbandBits>) .

You can [download this mp3 file directly from here](https://muninetworks.org/sites/www.muninetworks.org/files/audio/comm-bb-bits-podcast206-bob-farmer-glenwood-springs.mp3) (<https://muninetworks.org/sites/www.muninetworks.org/files/audio/comm-bb-bits-podcast206-bob-farmer-glenwood-springs.mp3>) . [Listen to other episodes here](http://muninetworks.org/broadbandbits) (<http://muninetworks.org/broadbandbits>) or [view all episodes in our index](http://muninetworks.org/content/community-broadband-bits-podcast-index) (<http://muninetworks.org/content/community-broadband-bits-podcast-index>) .

Thanks to [Forget the Whale](http://freemusicarchive.org/music/Forget_the_Whale/What_I_Tell_Myself_EP/I_Know_Where_Youve_Been_Inst) (http://freemusicarchive.org/music/Forget_the_Whale/What_I_Tell_Myself_EP/I_Know_Where_Youve_Been_Inst) for the music, licensed using Creative Commons. The song is "I Know Where You've Been."

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- **Community Broadband Bits Episode 206 - Glenwood Springs Information Systems Director Bob Farmer**

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More Colorado Communities Shut Out State Barriers At The Voting Booth (</content/more-colorado-communities-shut-out-state-barriers-voting-booth>)

Wed, April 06, 2016 | Posted by [lgonzalez \(users/lgonzalez\)](#)



(</content/more-colorado-communities-shut-out-state-barriers-voting-booth>)

Once again, local communities in Colorado chose to shout out to leaders at the Capitol and tell them, "**We reclaim local telecommunications authority!**"

Nine more towns in the Centennial State voted on Tuesday to opt out of 2005's SB 152. Here are the unofficial results from local communities that can't be any more direct at telling state leaders to let them chart their own connectivity destiny:

[Akron](http://www.townofakron.com) (<http://www.townofakron.com>), population 1,700 and located in the center of the state, passed its ballot measure with 92 percent of votes cast supporting the opt-out.

[Buena Vista](http://www.buenavistaco.gov) (<http://www.buenavistaco.gov>), also near Colorado's heartland, chose to approve to reclaim local authority when 77 percent of those casting votes chose to opt out. There are approximately 2,600 people in the town located at the foot of the Collegiate Peaks in the Rockies. Here is Buena Vista's [sample ballot](http://www.buenavistaco.gov/2390/2016-Sample-Ballot) (<http://www.buenavistaco.gov/2390/2016-Sample-Ballot>).

The town of [Fruita](http://www.fruita.org) (<http://www.fruita.org>), home to approximately 12,600 people, approved the measure to reclaim local authority with 86 percent of votes cast. Now, when they celebrate the [Mike the Headless Chicken Festival](http://www.miketheheadlesschicken.org/mike) (<http://www.miketheheadlesschicken.org/mike>), the Fruitans will have even more to cheer.

[Orchard City](http://www.orchardcityco.org) (<http://www.orchardcityco.org>), another western community, approved their ballot measure when 84 percent of voters deciding the issue chose to opt out. There are approximately 3,100 people here and a local cooperative, the Delta-Montrose Electric Association (DMEA) has [started Phase I](http://www.dmea.com/content/progress-continues-dmea's-fiber-premises-business) (<http://www.dmea.com/content/progress-continues-dmea's-fiber-premises-business>) of its Fiber-to-the-Home (FTTH ([glossary/1#term13](#))) network in the region. According to an [August article](http://www.deltacountyindependent.com/orchard-city-seeks-answers-on-opt-out-question-cms-346) (<http://www.deltacountyindependent.com/orchard-city-seeks-answers-on-opt-out-question-cms-346>) in the Delta County Independent, Delta County Economic Development (DCED) has encouraged local towns, including Orchard City, to ask voters to opt out of SB 152. With the restriction removed, local towns can now collaborate with providers like DMEA.

In southwest Colorado is [Pagosa Springs](http://www.pagosasprings.co.gov) (<http://www.pagosasprings.co.gov>), where 83 percent of those voting supported the ballot measure to opt out. There are 1,700 people living in the community where many of the homes are vacation properties. Whether or not to reclaim local telecommunications authority was the [only ballot issue](http://www.pagosasprings.co.gov/index.asp?Type=B_BASIC&SEC=(9B8D0BD7-1E48-4AC4-B598-2DFDE083E2C5)&DE={68D3A4B6-6699-4592-AD8D-0F8A25F7BC66}) ([http://www.pagosasprings.co.gov/index.asp?Type=B_BASIC&SEC=\(9B8D0BD7-1E48-4AC4-B598-2DFDE083E2C5\)&DE={68D3A4B6-6699-4592-AD8D-0F8A25F7BC66}](http://www.pagosasprings.co.gov/index.asp?Type=B_BASIC&SEC=(9B8D0BD7-1E48-4AC4-B598-2DFDE083E2C5)&DE={68D3A4B6-6699-4592-AD8D-0F8A25F7BC66})) in Pagosa Springs.

[Silver Cliff](http://silvercliffco.com/index.htm) (<http://silvercliffco.com/index.htm>) began as a mining town and is home to only 587 people in the south central Wet Mountain Valley. Voters passed the ballot measure to opt-out of SB 152 with 80 percent of votes cast.

In the north central part of the state sits [Wellington](http://www.townofwellington.com) (<http://www.townofwellington.com>), population approximately 6,200. The community has some limited fiber and their [ballot initiative specifically states](http://www.townofwellington.com/documentcenter/view/529) (<http://www.townofwellington.com/documentcenter/view/529>) that they intend to study the feasibility and viability of publicly provided services. Their initiative passed with 83 percent of the vote:

WITHOUT INCREASING TAXES, WITH THE INTENT OF STUDYING FEASIBILITY AND IN THE FUTURE EVALUATING THE VIABILITY OF THE TOWN OF WELLINGTON POTENTIALLY PROVIDING SERVICES, SHALL THE CITIZENS OF THE TOWN OF WELLINGTON, COLORADO, ESTABLISH A TOWN RIGHT TO PROVIDE some or ALL of the SERVICES RESTRICTED SINCE 2005 BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, DESCRIBED AS "ADVANCES SERVICES," "TELECOMMUNICATIONS SERVICES" AND "CABLE TELEVISION SERVICES," INCLUDING ANY NEW AND IMPROVED HIGH BANDWIDTH ([glossary/1#term2](#)) SERVICES BASED ON FUTURE TECHNOLOGIES, UTILIZING COMMUNITY OWNED AND PRIVATELY OWNED AND CONTRACTED FOR INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO EXISTING FIBER OPTIC NETWORK, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS, TO POTENTIAL SUBSCRIBERS THAT MAY INCLUDE TELECOMMUNICATIONS SERVICE PROVIDERS, RESIDENTIAL OR COMMERCIAL USERS WITHIN THE Town ?

Another small community, [Westcliffe](http://wp.townofwestcliffe.com) (<http://wp.townofwestcliffe.com>) with 568 people, also took the issue to the voters. Of those voting on Ballot Question A, 76 percent voted "yes" to reclaim local telecommunications authority. The town is located at the base of the Sangre de Cristo Mountains in Custer County.

Two weeks ago, we [told you about Mancos](http://muninetworks.org/content/mancos-voters-latest-decide-local-authority-colorado) (<http://muninetworks.org/content/mancos-voters-latest-decide-local-authority-colorado>) where community leaders want to explore the possibility of using existing publicly owned fiber for better connectivity. In Mancos, the Board of Trustees of the community of 1,300 recognized that the bill was anti-competitive and passed a resolution urging voters to approve the opt-out. As the Town Administrator acknowledged, reclaiming local authority, "gives us a lot more leeway." Mancos wants to have the freedom to investigate public projects and public private partnerships. Voters agreed and 86 percent of those casting ballots approved the measure.

C'mon Already!

Last November [nearly 50 local communities](http://muninetworks.org/content/voters-quiet-drums-polls-colorado) (<http://muninetworks.org/content/voters-quiet-drums-polls-colorado>) sent a message loud and clear to the state legislature that they want the freedom to make their own decisions about connectivity. Opting out of SB 152 does not mean a community will build a muni but allows them to explore the possibility of serving themselves or using their own fiber assets to work with private sector partners.