



BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2015-18

A RESOLUTION SUBMITTING TO REGISTERED ELECTORS OF GUNNISON COUNTY, COLORADO AT THE NOVEMBER 3, 2015 COORDINATED ELECTION, A BALLOT QUESTION AND TITLE CONCERNING RE-ESTABLISHING THE AUTHORITY TO PROVIDE ALL SERVICES RESTRICTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES

WHEREAS, the County of Gunnison ("County") in the State of Colorado, is a county duly organized and existing pursuant to the Constitution (the "Constitution") and the laws of the State of Colorado; and

WHEREAS, the members of the Board of County Commissioners of the County of Gunnison, Colorado ("Board") have been duly elected, chosen and qualified; and

WHEREAS, in 2005 the Colorado General Assembly enacted Senate Bill 2005-152, which is codified at §29-27-101, et. seq. Colorado Revised Statutes, which provides that before a local government may provide advanced services, telecommunication services, 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, affordable, reliable, and innovative telecommunication services, including, but not limited to, broadband internet services, are hereby found and determined to be essential for Gunnison County's residents and businesses in today's economic environment and for quality of life; and

WHEREAS, the Board finds that re-establishing Gunnison County's authority to directly and/or indirectly provide advanced services, telecommunication services, or cable television services could be in the best interests of the community; and

WHEREAS, the Clerk and Recorder of the County of Gunnison, Colorado ("County Clerk") is conducting a Coordinated Election on November 3, 2015, pursuant to the Uniform Election Code of 1992 (Articles 1 to 13 of Title 1, Colorado Revised Statutes); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO:

1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the County, directed towards the election and the objects and purposes herein stated is, ratified, approved and confirmed. Unless otherwise defined herein, all



terms used herein shall have the meanings specified in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, Colorado Revised Statutes.

2. The following ballot question and title is hereby referred to all of the registered electors of Gunnison County, Colorado for the November 3, 2015 Coordinated Election:

WITHOUT INCREASING TAXES, SHALL THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO, RE-ESTABLISH THE AUTHORITY TO PROVIDE ALL SERVICES, RESTRICTED SINCE 2005 BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, DESCRIBED AS "ADVANCED SERVICES" (HIGH SPEED INTERNET), "TELECOMMUNICATIONS SERVICES" AND "CABLE SERVICES", INCLUDING ANY NEW OR IMPROVED HIGH BANDWIDTH SERVICES BASED ON EXISTING OR FUTURE TECHNOLOGIES, TELECOMMUNICATIONS SERVICES AND CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES, GOVERNMENTAL ENTITIES, AND OTHER USERS OF SUCH SERVICES, EITHER DIRECTLY OR INDIRECTLY, TO ANY AND ALL SERVICE AREAS, WITH PUBLIC OR PRIVATE SECTOR PARTNERS?

- YES
- NO

3. Said ballot question shall be voted upon only by Gunnison County, Colorado registered electors legally eligible to vote at the November 3, 2015 Coordinated Election.
4. The Designated Election Official is authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution, including, but not limited to, mailing, posting and publishing notices of the Election, mailing the mail ballot packets. The costs of the election shall be paid by the County; provided that the County may elect to reimburse itself for such cost from assessments paid by property owners.
5. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including, but not limited to, entering into an intergovernmental agreement with the County Clerk and giving notices of election required by the Uniform Election Code of 1992 (Articles 1 to 13 of Title 1, Colorado Revised Statutes).
6. All orders, bylaws and resolutions, or parts thereof, in conflict with this resolution, are hereby repealed.

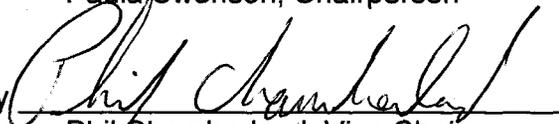


7. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.
8. This resolution shall be effective immediately upon its adoption by the Board and certification by the County Clerk.

ADOPTED AND APPROVED this 18th day of August, 2015.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO

By   
Paula Swenson, Chairperson

By   
Phil Chamberland, Vice Chairperson

By   
Jonathan Houck, Commissioner

ATTEST:

  
Deputy County Clerk





STATE OF COLORADO )  
 )ss.  
COUNTY OF GUNNISON )

I, Kathy Simillion, the Clerk and Recorder of the County of Gunnison, Colorado do hereby certify that:

- The foregoing pages are a true and correct copy of a resolution ("Resolution") passed and adopted by the Board of County Commissioners of the County of Gunnison, Colorado ("Board") at a regular meeting held on August 18, 2015.
- The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of August 18, 2015 by an affirmative vote of a majority of the members of the Board as follows:  
 Those Voting Aye: 3  
 Those Voting Nay: 0  
 Those Absent: 0  
 Those Abstaining: 0
- The members of the Board were present at such meeting and voted on the passage of such Resolution as set forth above.
- Notice of the regular meeting of August 18, 2015 was posted at the official posting locations designated by the Board not less than twenty-four hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of Gunnison County affixed this 18th day of August, 2015.

CLERK AND RECORDER  
OF THE COUNTY OF GUNNISON,  
COLORADO

Kathy Simillion  
Kathy Simillion, Clerk and Recorder



ATTEST:

Shirley L. Frohman  
Deputy County Clerk