

RESOLUTION NO. R-17-21

A RESOLUTION OPPOSING THE PASSAGE OF THE OHIO SENATE BUDGET AMENDMENT TO SUB. H.B. 110 INsofar AS IT PROHIBITS OR SIGNIFICANTLY LIMITS THE OPERATION, MAINTENANCE, OR CONSTRUCTION OF BROADBAND SERVICES BY GOVERNMENT-OWNED NETWORKS IN THE STATE OF OHIO AND DECLARING AN EMERGENCY

WHEREAS, broadband internet service is an essential service for Ohioans, and the necessity for such broadband service has been made even more obvious during the pandemic; and

WHEREAS, municipalities have historically provided essential services to their communities in Ohio and are specifically authorized to do so under the Ohio Constitution; and

WHEREAS, high-speed, reliable broadband service is essential for our children to learn, our community members to perform their jobs, our seniors to connect to medical services, and for our safety forces to communicate with one another for our community's protection. Just as local governments provide clean water and efficient sewers, local governments should have the opportunity to provide essential broadband services; and

WHEREAS, the Ohio Senate's Omnibus Budget Amendment includes language that would modify Chapter 122 of the Ohio Revised Code (specifically sections R.C. 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to prohibit political subdivisions from offering broadband service except in areas that do not have service of 10 Mbps download/1Mbps upload, which is comparable to dial-up service; thus, effectively eliminating the ability of a city to provide broadband service; and

WHEREAS, while many Ohioans lack access to broadband service sufficient for present day needs, it is estimated that 98.2% of Ohio households have access to service at said low-speed threshold, leaving only 1.7% of Ohio's population "unserved;" and

WHEREAS, the subject amendment was added last-minute in the Senate without the opportunity for debate, making it impossible for any public discourse regarding the merits of such an amendment; and

WHEREAS, the amendment monopolizes an essential service in the hands of a small number of private companies, and is one more step towards the dismantling of the home rule authority granted to local governments by Ohio's Constitution, thus placing the profits of a few companies over the health, safety, and welfare of Ohioans; and

WHEREAS, all municipalities should have the option to provide this essential service not only to their residents, but also to promote economic development and provide service to businesses to promote a strong job base for the community; and

WHEREAS, a high-speed, reliable, and affordable broadband network is critical to ensure that Ohio's residents and businesses can prosper and grow in today's economy and is important for communication between public safety forces; and

WHEREAS, the subject amendment further would prohibit political subdivisions from utilizing federal funds to develop broadband networks, even though certain federal funding is intended to provide for such infrastructure; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the City of Avon to oppose the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically sections R.C. 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to restrict public-owned broadband services and impinge on a municipality's home rule authority.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, OHIO THAT:

Section 1 – That this Council opposes the passage of the Ohio Senate's Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically sections R.C. 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to, in any way, restrict or prohibit municipally provided broadband service.

Section 2 – That the Clerk of Council is hereby authorized and directed to forward a copy of this Resolution to the Governor of Ohio and to the local legislators in the Ohio General Assembly, and such other persons as the Clerk may deem advisable.

Section 3 – It is found and determined that all formal actions of this Council concerning and relating to this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 – That this Resolution is hereby declared an emergency measure immediately necessary for the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity for the City to oppose the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically sections R.C. 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098); therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

BY: _____
Brian Fischer Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

Resolution No. 17-21 (Con't)

ATTEST:

Gail Hayden
Assistant Clerk of Council

POSTED: _____
In five places as
provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director