

RECORD OF ORDINANCES

Resolution No. 2021-36Passed JUNE 16, 2021

SPONSOR: UTILITIES COMMITTEE

A RESOLUTION OPPOSING PROVISIONS OF THE OHIO SENATE OMNIBUS BUDGET AMENDMENT WHICH WOULD EFFECTIVELY PROHIBIT IN THE STATE OF OHIO THE NEW CONSTRUCTION OF PUBLIC-OWNED BROADBAND NETWORKS, AND THE ONGOING PROVISION OF BROADBAND SERVICES PROVIDED BY PUBLIC-OWNED NETWORKS SUCH AS FAIRLAWN GIG AND HUDSON'S VELOCITY BROADBAND, THEREBY HARMING THE ABILITY FOR OHIO'S RESIDENTS AND BUSINESSES TO PARTICIPATE IN THE 21ST CENTURY DIGITAL ECONOMY AND DECLARING AN EMERGENCY.

WHEREAS, the COVID-19 pandemic has clearly shown that broadband is an essential service for Ohioans in the 21st century, and is needed to support online school and work, access healthcare and medical information, conduct efficient business operations, and ensure our safety forces can communicate with one another for our protection; and,

WHEREAS, the Ohio Senate Omnibus Budget Amendment includes language that would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) (the "Public-owned Broadband Restriction Amendment") to prevent political subdivisions, including municipalities that currently operate broadband networks, from offering broadband service except to areas that do not have service of 10 Mbps download/1Mbps upload, which is akin to dial-up service; and,

WHEREAS, the United States Federal Communications Commission (FCC) is the federal agency responsible for defining minimum broadband service, and the FCC has established that minimum broadband service as 25 megabits per second download (25 Mbps) and three megabits per second (3 Mbps) upload; and,

WHEREAS, while many Ohioans lack access to the minimum broadband standard established by the FCC, it is estimated that 98.28% of Ohio households have access to service at the threshold definition used in the Public-owned Broadband Restriction Amendment, leaving only 1.72% of Ohio's population "unserved" under that definition; and,

WHEREAS, as a result of the overly restrictive definition of "unserved" in the Public-owned Broadband Restriction Amendment, political subdivisions would effectively be prohibited from operating public-owned broadband networks, such as the Fairlawn GIG and Hudson's Velocity Broadband, resulting in local governments being banned from providing service even to those Ohioans that fall below the FCC's minimum broadband service standard; and,

RECORD OF ORDINANCES

Resolution No. 2021-36Passed JUNE 16, 2021

WHEREAS, given the massive migration over the last fifteen months of Ohioans to high-speed broadband for educational, employment, medical, and other essential purposes, many experts argue that even the FCC's standard for minimum broadband service is antiquated and that a 21st century digital economy demands much higher broadband speeds; and,

WHEREAS, unfortunately, the Public-owned Broadband Restriction Amendment monopolizes an essential service in the hands of a small number of private companies, who have failed or refused to adequately provide affordable, reliable, and sufficient broadband service to many of Ohio's residents and business; and,

WHEREAS, public ownership of a high-speed, reliable broadband network is critical to ensure that Ohio's residents and businesses can receive affordable, reliable, and sufficient broadband to be able to compete and prosper in today's economy, providing for:

- critical communication between our public safety forces, including advanced-911 systems,
- the competitiveness of our businesses and the ability to attract and retain business and employment opportunities in our State,
- access to meaningful educational opportunities for all Ohioans,
- a level playing field where Ohioans from all socio-economic backgrounds can obtain the tools they need to succeed,
- enhanced security to ensure that personal and business data of Ohioans is secure,
- access to high-quality medical services from anywhere,
- advances in new technologies for Ohio to become an active player in our global economy, particularly in areas like autonomous transportation, enhanced security protections, and medical advancements; and,

WHEREAS, certain existing and already capitalized multi-jurisdiction/agency combined networks being used throughout Ohio for public safety, remote health care, regional economic development, and transportation initiatives would be required to cease operation as a result of the Public-Owned Broadband Restriction Amendment because their participating jurisdictions will be required to abandon their individual system components; and,

WHEREAS, Ohio schools, port authorities, and other entities falling under the sweeping definition of political subdivisions used in the Public-Owned Broadband Restriction Amendment would be prohibited from ongoing or future participation in the provision of broadband service to meet the needs of its users; and,

WHEREAS, the Public-Owned Broadband Restriction Amendment is yet another infringement of upon the home rule authority of municipalities and charter counties, like Mogadore, that use such authority to provide for the health, safety, and welfare of their residents; and,

RECORD OF ORDINANCES

Resolution No. 2021-36Passed JUNE 16, 2021

WHEREAS, the Public-Owned Broadband Restriction Amendment further prohibits political subdivisions, including those with already-established networks, from utilizing federal funds, including the billions being received by political subdivisions in Ohio under the American Rescue Plan, on public-owned broadband systems, at a time when those funds can be used to connect Ohioans to the 21st century digital economy; and,

WHEREAS, the Public-Owned Broadband Restriction Amendment was added to the Ohio Senate Omnibus Budget Amendment at the twelfth hour, in an attempt to place the profits of a handful of companies ahead of the health, education, safety, and welfare of Ohioans, with absolutely no public discussion or debate; and,

WHEREAS, in summary, the health, education, safety, and welfare of the residents of Summit County require the unfettered ability of the County and its political subdivision to provide affordable, reliable, and sufficient broadband services at levels that ensure the needs of its residents and businesses can participate in the 21st century digital economy and beyond; and,

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to oppose the Public-Owned Broadband Restriction Amendment contained in the Ohio Senate Omnibus Budget Amendment to the extent that would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to restrict public-owned broadband networks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio as follows:

SECTION 1: That this Council opposes the passage of the Omnibus Budget Amendment to the extent that it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to in any way restrict public-owned broadband.

SECTION 2: That the Clerk-Treasurer is hereby authorized and directed to forward a copy of this Resolution to the Governor of Ohio, to the members of the Ohio House and Senate Conference Committee negotiating the State of Ohio's Biennial Budget, and to the Summit County delegation of the Ohio General Assembly.

SECTION 3: That the factual findings and statements set forth in the recitals above are hereby adopted and incorporated herein.

RECORD OF ORDINANCES

Resolution No. 2021-36

Passed JUNE 16, 2021

SECTION 4: That it is found and determined that all formal actions of the Council relating to the adoption of this Resolution were taken in a duly noticed virtual, open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code and HB 404 during the state-declared COVID-19 emergency.

SECTION 5: That this Resolution is an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Mogadore and the inhabitants thereof, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

Michael Raddish 06/16/21
President of Council Date

Minica Rich 6-16-21
Mayor Date

Attest:

[Signature]
Clerk-Treasurer