

1 RESOLUTION NO. 2021-184

**LATE FILING**  
**First Reading Passage Requested**  
**(B. Nelsen)**

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4 SPONSORS Executive Shapiro, Ms. Walters

5  
6 DATE \_\_\_\_\_ COMMITTEE Committee of the Whole

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8 **A Resolution opposing provisions of the Ohio Senate Omnibus Budget Amendment which**  
9 **would effectively prohibit in the State of Ohio the new construction of public-owned**  
10 **broadband networks, and the ongoing provision of broadband services provided by public-**  
11 **owned networks such as Fairlawn Gig and Hudson’s Velocity Broadband, thereby harming**  
12 **the ability for Ohio’s residents and businesses to participate in the 21<sup>st</sup> century digital**  
13 **economy, for the Executive and Council, and declaring an emergency.**

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

19  
20 WHEREAS, the Ohio Senate Omnibus Budget Amendment includes language that would  
21 modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090, 122.4091,  
22 122.4093, 122.4095, 122.4097, and 122.4098) (the “Public-owned Broadband Restriction  
23 Amendment”) to prevent political subdivisions, including municipalities that currently operate  
24 broadband networks, from offering broadband service except to areas that do not have service of  
25 10 Mbps download/1Mbps upload, which is akin to dial-up service; and

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

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

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

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

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

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

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- 8 - critical communication between our public safety forces, including advanced-911
- 9 systems,
- 10 - the competitiveness of our businesses and the ability to attract and retain business and
- 11 employment opportunities in our State,
- 12 - access to meaningful educational opportunities for all Ohioans,
- 13 - a level playing field where Ohioans from all socio-economic backgrounds can obtain
- 14 the tools they need to succeed,
- 15 - enhanced security to ensure that personal and business data of Ohioans is secure,
- 16 - access to high-quality medical services from anywhere,
- 17 - advances in new technologies for Ohio to become an active player in our global
- 18 economy, particularly in areas like autonomous transportation, enhanced security
- 19 protections and medical advancements; and
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21 WHEREAS, certain existing and already capitalized multi-jurisdiction/agency combined  
22 networks being used throughout Ohio for public safety, remote health care, regional economic  
23 development, and transportation initiatives would be required to cease operation as a result of the  
24 Public-Owned Broadband Restriction Amendment because their participating jurisdictions will  
25 be required to abandon their individual system components; and

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

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

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

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

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

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

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11 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,  
12 State of Ohio, that:

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14 SECTION 1

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16 This Council opposes the passage of the Omnibus Budget Amendment to the extent that  
17 it would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090,  
18 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098) to in any way restrict public-owned  
19 broadband.

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21 SECTION 2

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23 The Clerk of Council is hereby authorized and directed to forward a copy of this  
24 Resolution to the Governor of Ohio, to the members of the Ohio House and Senate Conference  
25 Committee negotiating the State of Ohio's Biennial Budget, and to the Summit County  
26 delegation of the Ohio General Assembly.

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28 SECTION 3

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30 This Resolution is hereby declared an emergency in the interest of the health, safety and  
31 welfare of the citizens of the County of Summit and for the further purpose of immediately  
32 expressing opposition to the passage of the Omnibus Budget Amendment to the extent that it  
33 would modify Chapter 122 of the Ohio Revised Code (specifically to add Sections 122.4090,  
34 122.4091, 122.4093, 122.4095, 122.4097, and 122.4098).

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36 SECTION 4

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38 Provided this Resolution receives the affirmative vote of eight members, it shall take  
39 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
40 effect and be in force at the earliest time provided by law.

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42 SECTION 5

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44 It is found and determined that all formal actions of this Council concerning and relating  
45 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
46 deliberations of this Council and of any of its committees that resulted in such formal action,  
47 were in meetings open to the public, in compliance with all legal requirements, including Section  
48 121.22 of the Ohio Revised Codes.

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1 RESOLUTION NO. 2021-184

2 PAGE FOUR

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4 INTRODUCED June 14, 2021

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6 ADOPTED \_\_\_\_\_

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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12 APPROVED \_\_\_\_\_

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EXECUTIVE

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18 ENACTED EFFECTIVE \_\_\_\_\_