William J. Roth, Jr.
Mayor

Tonja K. Caldwell, *MMC*
Clerk of Council

CITY OF FAIRLAWN

DATE: June 14, 2021
TO: All Members of Fairlawn City Council

SUBJECT: Special Meeting of Fairlawn City Council via videoconference Tuesday, June 15, 2021, at 5:30 P.M.

Pursuant to Section 4.13, Fairlawn City Charter, a Special Meeting of Council, via videoconference, will be held Tuesday, June 15, 2021, at 5:30 P.M. as requested by Council President Russell T. Sharnsky.

The purpose of the Special Meeting is to discuss and act upon the following legislation and any amendments thereto:

> ***Resolution 2021-033*** ***Offered by Mayor Roth***
> ***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, SUCH AS THE FAIRLAWNGIG, AND DECLARING AN EMERGENCY.***

and no other subject or subjects shall be considered thereat.

Therefore, I the undersigned Clerk of Council do hereby call a Special Meeting of Council, via videoconference, for Tuesday, June 15, 2021, at 5:30 P.M. for the purpose as stated above. A link to the meeting will be provided pursuant to the City's pandemic protocol.

Tonja K Caldwell

Tonja K. Caldwell, MMC
Clerk of Council

Cc: **Mayor William J. Roth, Jr.**
R. Bryan Nace, Director of Law

Resolution 2021-033 **Offered by Mayor Roth**

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, SUCH AS THE FAIRLAWNGIG, 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 98.28% of Ohio households have access to service at said low-speed threshold, leaving only 1.72% 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, the FairlawnGig municipal broadband network was established after private providers refused or failed to build the necessary broadband infrastructure in all areas of our community that would provide affordable, reliable, and sufficient broadband service to all our residents and businesses; and

WHEREAS, the failure of private providers to build the necessary infrastructure left many community members without access to broadband service at a speed sufficient to enable them to perform such important tasks such as participating in a virtual class, attending a virtual meeting for work, communicating with a medical provider, operating security cameras, or controlling smart-home devices; and

WHEREAS, the FairlawnGig was established as a way to ensure our residents and businesses have adequate, affordable, and reliable broadband service and as a tool for economic development of the area; and

WHEREAS, a majority of the residents and businesses in Fairlawn and the neighboring JEDD are now utilizing the FairlawnGig for their broadband needs; 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 Fairlawn 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.

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

Section 1. 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. 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. This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the City of Fairlawn and for the further purpose of immediately expressing opposition to 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).

Adopted: _____, 2021

Approved: _____, 2021

_____
Russell T. Sharnsky, President of Council

_____
Mayor William J. Roth, Jr., Mayor

Approval of the form and corrections by R. Bryan Nace, Director of Law:

_____

CERTIFICATION OF PASSAGE

I, Tonja K. Caldwell, Clerk of Council of the City of Fairlawn do hereby certify that the foregoing resolution was duly and regularly passed at a meeting on _____, 2021.

_____
Tonja K. Caldwell, Clerk of Council

CERTIFICATION OF POSTING

This is to certify that on _____, 2021 the within Resolution was published as required by in Section 222.03(a) of the Codified Ordinances of the City of Fairlawn.

_____
Tonja K. Caldwell, Clerk of Council