

WHEREAS, freedom of information is an extension of freedom of speech, a fundamental human right recognized in international law, and

WHEREAS, American democracy and self-governance depend upon equitable access to information, and

WHEREAS, in the digital age, privacy and net neutrality are essential to achieving these standards of human rights and democracy, and

WHEREAS, the private sector has demonstrated that it will not provide information in a manner that will consistently and reliably meet these requirements, and

WHEREAS, there is an Internet Service Provider (I.S.P.) duopoly in the local market consisting of AT&T and Spectrum, and

WHEREAS, this I.S.P. duopoly makes the barrier to entry for any potential commercial competitors unreasonably high, and

WHEREAS, universal provision of Lifeline communication service is in jeopardy nationally, and

WHEREAS, municipal government can play a central role in providing vitally needed broadband services to meet the varied needs of a diverse constituency without profit-seeking, and

WHEREAS, the City of Cleveland Heights endeavors to make itself always “Open for Business,” and

WHEREAS, municipal broadband offers an incentive to attract both businesses and younger residents to relocate in the City of Cleveland Heights, and

WHEREAS, in Cleveland Heights, we pride ourselves on being a creative, dynamic, culturally diverse and forward-thinking city,

THEREFORE, BE IT ORDAINED by Initiative by the people of Cleveland Heights, Ohio that the Administrative Code of the Cleveland Heights Codified Ordinances be amended to enact a new Title ____, Chapter ____ Creation of a Cleveland Heights Municipal Broadband Utility

Section ____

In the final quarter of 2018 City Council shall allocate funds and commission an independent comprehensive financial feasibility analysis for implementing a municipal broadband utility in Cleveland Heights. City Council must make all reasonable efforts to ensure the analysis is completed by the end of the second quarter in 2019. The analysis will be conducted to meet the following requirements:

1. A municipal fiber network to provide Internet access to all residential, commercial and industrial premises in Cleveland Heights at speeds of a least 1 Gigabit per Second (1 Gbps), with the capacity to increase in the future as the definition of high speed or broadband changes.
2. Analysis to include only one approaches to financing and operating the fiber network limited to public development and ownership
3. Cost Estimates must include:

- a. Hard and soft costs related to construction, including permitting and environmental review
 - b. The cost of operating and maintaining the network.
4. Potential financing sources are to be identified including but not limited to the City issuing bonds, state and federal grants, philanthropic contributions and usage of retail bonds to allow buy-in from residents.
 5. The final report must provide an analysis of fiber network implementation in other cities and an assessment of the socio-economic benefits of low-cost access to the Internet through fiber networks.

Section _____

When any municipal broadband, either driven by the resolution or occurring in the future as a result of a separate resolution, is implemented in the City of Cleveland Heights the operation thereof will be governed by the following tenets:

1. Net neutrality will be guaranteed. The tenet of net neutrality prohibits the internet service provider (ISP) (e.g. Cleveland Heights Municipal Broadband) from speeding up, slowing down or blocking any content, applications or websites.
2. Personal privacy will be guaranteed. The tenet of personal privacy includes but is not limited to the concern of storing, repurposing, provisioning individual or household data to third parties, and displaying of information pertaining to an individual user or household. There is to be no provision allowing the ISP to use or sell internet usage behavior for any purpose including but not limited to selling for advertisement purposes.
3. Revenue neutral - The utility is not to be used as a profit generating entity for the city. Funds should be used to maintain the infrastructure and to pay the salaries of those who service and support the operations of the utility. If there remains an excess of operating funds then the ISP will reduce subscription costs.
4. Formation of a City Municipal Broadband Oversight Committee
 - a. The Council shall establish a City Municipal Broadband Oversight Committee of seven voting members, at least four of whom shall be technically qualified as Network Architects or Software Engineers, and at least five of whom shall be residents of the City of Cleveland Heights. The members shall be appointed by the Council and not employed by the City of Cleveland Heights. A vacancy occurring during the term of any voting member of the commission shall be filled for the unexpired term in the manner authorized for an original appointment. There shall be the following non-voting members of the commission: The Chair of the City Planning and Development Committee of the Council; the City Manager; the Director of the Department of Information Technology, who shall serve as ex officio secretary of the Commission; and such other persons as the Council shall appoint by ordinance. The voting members shall serve for a term of six years except that, of the members first appointed, two shall

be appointed for a term of two years, and two shall be appointed for a term of four years, and two shall be appointed for a term of six years, beginning January 1 of the year following a successfully passed vote to establish a municipal broadband utility in Cleveland Heights..

b. The City Municipal Broadband Oversight Committee may monitor, review, and advise the Council and City Manager on all matters affecting the implementation and operations of the municipal broadband utility. In addition, the Commission shall perform all other duties and responsibilities provided by ordinance.

5. The preferred infrastructure used for the utility is fiber optic cable. However, understanding that technology evolves, the speed requirement is as follows:

a. Base layer of 50 Mbps synchronous with options for 1 gigabit and 10 gigabit capability at initial implementation.

6. Provisions for equitable access across the City of Cleveland Heights, including allowances made for low and moderate income households, must be put into place to address the need to bridge and ultimately eliminate the digital divide.

Section _____

Upon the completion of the aforementioned financial feasibility analysis in Section ____ City Council will draft a charter amendment to create a municipal broadband utility in Cleveland Heights. The charter amendment will include the aforementioned tenets in Section ____ which must govern the implementation and operation of any municipal broadband utility in Cleveland Heights. The charter amendment will be made a ballot issue for the voters of Cleveland Heights in the General Election in 2019.