**RESOLUTION NO. \_\_\_\_\_\_**

**RESOLUTION TO ADOPT ORDINANCE NO. \_\_\_\_\_\_, MUNICIPAL BROADBAND ORDINANCE**

A meeting of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was held on the \_\_\_\_ day of \_\_\_\_\_\_\_, \_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_at \_\_:00 PM.

PRESENT:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSENT:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following preamble and resolution were offered by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and supported by

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

WHEREAS, the (MUNICIPALITY) desires to construct infrastructure within the public rights-of-way and outside of the public rights-of-way with consent of the owner(s) of the property for the provision of broadband internet access transport services for the benefit of the residents of the (MUNICIPALITY), in accordance with the Michigan Telecommunications Act, Act 179 of 1991, MCL 484.2101 *et seq*. and the Metropolitan Extension Telecommunications Right-Of-Way Act, Act 48 of 2002, MCL 484.3101 *et seq*. (the “Acts”); and

WHEREAS, the (MUNICIPALITY) properly noticed and conducted a public hearing in accordance with MCL 484.3114(1)(a); and

WHEREAS, in accordance with MCL 484.3114(1)(b), the (MUNICIPALITY) prepared reasonable projections of at least a 3-year cost-benefit analysis identifying and disclosing the total projected direct costs of and the revenues to be derived from constructing the infrastructure for the provision of broadband internet access transport services to its customers; and

WHEREAS, the Acts authorize the (MUNICIPALITY) to adopt ordinances regulating the public health, safety, and general welfare of persons and property by establishing regulations governing access to and use of the (MUNICIPALITY)’s broadband internet access transport services; and

WHEREAS, the (MUNICIPALITY) has considered a proposed Ordinance (the “Ordinance”) accordingly and has determined that it is in the best interests of the public health, safety and welfare to adopt the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Ordinance No. \_\_\_\_, “Municipal Broadband Ordinance,” attached as **Exhibit A**, is hereby adopted.
2. The Ordinance shall be filed with the (MUNICIPALITY) Clerk.
3. The (MUNICIPALITY) Clerk shall publish a Notice of Adoption with a summary of the ordinance, in a newspaper of general circulation in the (MUNICIPALITY) within 30 days after adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed upon the effective date of the Ordinance, but only to the extent necessary to give this Resolution full force and effect.

Upon Roll Call Vote, the following voted “Aye”:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following voted “Nay”:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CERTIFICATION

I, \_\_\_\_\_\_\_\_\_\_\_, the undersigned (MUNICIPALITY) Clerk of the (MUNICIPALITY), hereby certify that the foregoing resolution is a true and complete copy of a resolution adopted at a regular meeting of the (MUNICIPALITY) held on \_\_ day of \_\_\_, \_\_\_\_\_, the original of which is on file in my office, and that notice of such meeting was given, and the meeting was conducted, pursuant to and in compliance with the Act No. 267, Michigan Public Acts of 1976, as amended.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_