

RESOLUTION NO. 18-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, SUPPORTING NET NEUTRALITY AND THE CITIES OPEN INTERNET PLEDGE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cutler Bay (the “Town”) is committed to taking all available steps to ensure the internet remains open and to keep gatekeepers from throttling, blocking, or limiting government content on the internet; and

WHEREAS, net neutrality, the First Amendment of the internet and essential to everyone’s rights to connect and communicate online, is now being threatened; and

WHEREAS, the Federal Communications Commission (FCC) voted to replace net neutrality rules it adopted in 2015; and

WHEREAS, the original net neutrality rules included provisions preventing internet service providers (ISPs) from blocking or slowing down access to online content and prevented ISPs from prioritizing their own content; and

WHEREAS, the repeal of net neutrality was scheduled to take effect on April 23, 2018; and

WHEREAS, the FCC’s decision sparked the Cities Open Internet Pledge, a national movement for the return of the original net neutrality rules; and

WHEREAS, the Town finds that supporting the Cities Open Internet Pledge will further the Town’s efforts to ensure open access to government content on the internet; and

WHEREAS, the Town finds that this Resolution is in the best interest of the Town and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Support. The Town supports net neutrality and the Cities Open Internet Pledge attached hereto as Exhibit “A.”

Section 3. **Implementation.** The Town will, to the extent permitted by applicable law:

1. Procure applicable internet services from ISPs that do not block, throttle, or provide paid prioritization of content on sites that municipalities run to provide critical services and information to their residents;
2. Ensure an open internet connection with any free or subsidized service we offer to our residents;
3. Not block, throttle or engage in paid prioritization when providing internet service directly to our residents, such as through free public Wi-Fi or municipal broadband;
4. To the extent permitted, require clear and accessible notices of filtering, blocking and prioritization policies with enforceable penalties for violations to protect consumers from deceptive practices;
5. Monitor the practices of ISPs so consumers and regulators can know when a company is violating open internet principles or commitments; and
6. Encourage consumer use of ISPs, including municipal options, which abide by open internet policies.

Section 4. **Transmittal.** The Town Council hereby directs the Town Clerk to transmit a certified copy of this Resolution to the Federal Communications Commission, United States Congressman Carlos Curbelo and United States Congresswoman Ileana Ros-Lehtinen.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of May, 2018.

Attest:

PEGGY R. BELL
Mayor

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____