

CITY OF DUNES CITY

RESOLUTION SERIES 2017, NO. 19 (10-11-2017)

A RESOLUTION AUTHORIZING AND DELEGATING THE CITY ADMINISTRATOR TO ENTER INTO A NON-EXCLUSIVE FRANCHISE TO FALCON CABLE SYSTEMS COMPANY II L.P. LOCALLY KNOWN AS CHARTER COMMUNICATIONS FOR THE OPERATION AND MAINTENANCE OF A CABLE SYSTEM TO PROVIDE CABLE SERVICES.

WHEREAS, the City of Dunes City and Falcon Cable Systems Company II, L.P., locally known as Charter Communications have agreed to terms of a Franchise Agreement for the operation of a cable system to provide cable services within the public rights of way; and

WHEREAS, the City has jurisdiction and exercises regulatory management authority over all City public rights of way pursuant to the City Charter and State law. The City's purpose for exerting its management authority over the public rights of way is to protect and efficiently manage the public's resources, to ensure fair and non-discriminatory access to the public right of way, and to protect the public health, safety and welfare; and

WHEREAS, no Person may occupy or encroach on a public right of way without the permission of the City. The City grants permission to use public rights of way through Franchise Agreements and construction permits; and

WHEREAS, the City holds the health, safety, welfare, quality of life and opportunities to prosper, as well as such physical assets such as the public right of way, in trust for all of its citizens and has a fiduciary responsibility to assure that any use of City resources, especially its public ways, benefits all of the citizens and, where it is deemed appropriate, allows for the recovery of a fair and reasonable compensation from private entities using public resources; and

WHEREAS, the City's current cable franchise agreement with Charter Communications (Ordinance No. 167) expired in March of 2014 has been operating on a month-to-month basis. This Franchise Agreement will replace the terms of the existing Franchise Agreement; and

WHEREAS, the negotiated language of the new Franchise Agreement allows the City to charge five percent (5%) of Gross Revenue of Cable Services; and

WHEREAS, the City reserves the right to regulate and charge communications providers (including cable, internet, and phone providers) operating within the City and the City's right of ways. Among the purposes of any such regulation is not only to ensure that the public is properly compensated for the private use of City assets and resources, but also to ensure that all similarly-situated communications providers are treated

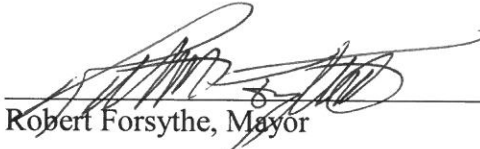
similarly and fairly to foster technological growth and innovation;

NOW, THEREFORE, BE IT RESOLVED by the Dunes City Council that:


SECTION 1 Authorization. The City Council hereby delegates to and authorizes the City Administrator to sign and enter into the franchise agreement attached as Exhibit A.

SECTION 2 Effective Date. This Resolution shall take effect on October 11, 2017.

PASSED AND ADOPTED by the Dunes City Council this 11th day of October, 2017.


Robert Forsythe, Mayor

ATTEST:


Jamie Mills, City Recorder