



## RESOLUTION NO. 36850

1 BY REQUEST OF MAYOR BAARSMA

2  
3 WHEREAS the City has a rich history of technological innovation and  
4 has maintained cooperative relations with those businesses operating in the  
5 City in the communications and high-tech sectors, and

6 WHEREAS the City is committed to ensuring that all of its citizens have  
7 access to the most technologically advanced broadband services available in  
8 the marketplace today as a means to ensure the competitiveness of the City, as  
9 well as its corporate and individual citizens, and

10  
11 WHEREAS the City has, by means of the cable franchising process,  
12 obtained commitments to meet the cable-related needs and interests of the  
13 community, including full access to a wide array of video and broadband  
14 services for all citizens of the City, educational and government access  
15 channels, financial support for facilities and equipment for the production of  
16 programming, capability to insert programming on the access channels from  
17 government and school facilities, free cable services to schools and  
18 governmental facilities, the ability to inform residents of emergencies and  
19 disasters, and other services that support important government, educational,  
20 and public interests, and

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22 WHEREAS the City has also obtained, by means of the cable  
23 franchising process, the use of an institutional network called CityNet, which  
24 connects, via a high-speed, fiber-optic link, public buildings in the City, including  
25 public schools and other government entities, and  
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1 WHEREAS the City currently operates six public, education, and  
2 government ("PEG") channels with programming for TV Tacoma (the City's  
3 government access channel), the University of Washington-Tacoma Campus,  
4 Bates Technical College, Tacoma Community College, Pierce College, Clover  
5 Park Technical College, Tacoma Public School District, Fire Department  
6 Training, the C-RCC (Pierce County's government access channel), and a City  
7 reader board providing important information to citizens of Tacoma, and  
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9 WHEREAS, in Tacoma, the City has been able to build out its network to  
10 provide voice, video, and data service to more than 145 facilities providing  
11 interconnectivity and resources that are becoming the backbone of government  
12 communications and emergency communications, and  
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14 WHEREAS the elimination of the franchise requirement will mean that  
15 cities have no ability to negotiate for PEG channels or the build out of an  
16 institutional network, and  
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18 WHEREAS the important public goals that are being served by  
19 PEG programming and channels and institutional networks could not be met  
20 except at a substantially increased cost to cities, and  
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22 WHEREAS, in order to address the specific needs and interest in the  
23 community, the various cable-related needs and interests of cities and their  
24 nonprofit partners and individual residents could not be obtained without local  
25 control over the cable franchising process, and  
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27 WHEREAS efforts are being advanced at the federal and state levels to  
28 restructure the cable franchising process to create a national or state video

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1 franchise, permitting telephone companies to offer video programming in cities  
2 without obtaining a local franchise agreement or meeting local needs and  
3 interests, including reducing or eliminating requirements for educational and  
4 government access channels and support, institutional network facilities and  
5 support, and possibly reducing franchise fees, and

6 WHEREAS the obligation to obtain a local franchise to provide video  
7 services stems both from inherent local government authority over the use of its  
8 rights-of-way and from federal communications laws; Now, Therefore,  
9

10 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

11 That the foregoing recitals are hereby ratified and confirmed as being  
12 true and correct and are hereby made a specific part of this resolution upon its  
13 adoption.

14 BE IT FURTHER RESOLVED that the City is opposed to federal  
15 legislation that:

- 16 1. Pre-empts the local franchising process;
- 17 2. Limits the City's ability to obtain a local franchise agreement from  
18 any entity to provide video services in the City;
- 19 3. Voids existing cable franchises;
- 20 4. Permits any entity providing cable and/or video services to  
21 engage in customer redlining of any kind, and, to that extent, the City fully  
22 supports legislation that requires any entity that is issued a franchise to provide  
23 said services to fully build out a franchise area such that said services are  
24 equally available to all residents in the franchise area; and  
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5. Does not require full compliance with existing state or federal universal service requirements in connection with the provision of telephone services.

BE IT FURTHER RESOLVED that the City urges members of the House congressional delegation and other members of Congress to oppose any such legislation.

BE IT FURTHER RESOLVED that the City hereby reasserts that it has full authority to manage and control the use of its public rights-of-way and will vigorously oppose any efforts to interfere with those rights.

BE IT FURTHER RESOLVED that the City Manager is directed to forward a copy of this resolution to the City's congressional delegation, the Federal Communications Commission, the National League of Cities, and the CEOs of Comcast, Qwest, Verizon, and AT&T.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

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# REQUEST FOR ORDINANCE OR RESOLUTION

CITY CLERK USE

Request #:	10917
Ordinance #:	
Resolution #:	36850

2006 MAY -4 PM 1:16

CITY CLERK'S  
OFFICE

1. DATE: May 4, 2006

SPONSORED BY: Mayor Bill Baarsma

2. REQUESTING DEPARTMENT/DIVISION/PROGRAM Legislative	3. CONTACT PERSON (for questions): Carol Mathewson	PHONE/EXTENSION 594-7997
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4. PREPARATION OF Resolution IS REQUESTED FOR THE CITY COUNCIL MEETING OF TUESDAY May 9, 2006.

5. SUMMARY TITLE/RECOMMENDATION: (A concise sentence, as it will appear on the Council agenda.)

Expressing opposition to federal cable legislation that would limit the City's management and control of the public rights-of-way; eliminate local franchising; reduce the City's revenue for private use of the public rights-of-way; and allow redlining within service areas.

6. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

The U.S. House Energy and Commerce Committee is working on H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006 (COPE) and the Senate Commerce Committee is working on S. 2626 the Communications, Consumer Choice, Broadband Deployment Act of 2006. Each of these bills will re-write the 1996 amendments to the 1934 Communications Act. Both bills would nationalize cable franchising, reduce City revenue from cable providers, allow for red-lining of communities, limit local authority over rights of way management, and remove local authority over customer complaints, which are handled at the local level currently. A number of amendments to the House Bill that would strength protections for consumers and local governments have not been supported in Committee. Some members of Congress have indicated that local governments have not made their position on these issues clear. The U.S. Conference of Mayors has provided a draft resolution to express the interests of Cities with regard to the draft bills.

7. FINANCIAL IMPACT:

- A.  NO
- B.  YES OVER \$100,000, Fiscal Note Attached
- C.  YES, UNDER \$100,000, Provide funding source information below

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted?  Yes  No Where? Cost Center:  
Acct #:

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:  
Source Documents/Backup Material Location of Document

9. ATTORNEY CONTACT: (Enter name of attorney with whom you've been working.) Chris Bacha

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10. Department Director/Utility Division Approval	OMBA/Finance Director Approval	City Manager/Director Utilities Approval
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