

RESOLUTION NO. 526

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, OPPOSING
FEDERAL FRANCHISE LEGISLATION THAT PREEMPTS LOCAL CONTROL**

WHEREAS the City has maintained cooperative relations with those businesses operating in the City in the communications and high-tech sectors, and

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

WHEREAS the City has, by means of the cable franchising process, obtained commitments to meet the cable-related needs and interests of the community, including full access to a wide array of video and broadband services for all citizens of the City, a educational and government access channel, financial support for facilities and equipment for the production of programming, capability to insert programming on the access channel from government and school facilities, the ability to inform residents of emergencies and disasters, and other services that support important government, educational and public interests, and

WHEREAS the City currently operates a public, education and government ("PEG") channel with programming for UPTV (the City's government access channel), and

WHEREAS the elimination of the franchise requirement will mean that cities have no ability to negotiate for PEG channels or to build out of an institutional network, and

WHEREAS the important public goals that are being served by the PEG programming and channel could not be met except at a substantially increased cost to cities, and

WHEREAS, in order to address the specific needs and interest in the community, the various cable-related needs and interests of cities and their nonprofit partners and individual residents could not be obtained without local control over the cable franchising process, and

WHEREAS efforts are being advanced at the federal and state levels to restructure the cable franchising process to create a national or state video franchise, permitting telephone companies to offer video programming in cities without obtaining a local franchise agreement or meeting local needs and interests, including reducing or eliminating requirements for educational and government access channels and support, institutional network facilities and support, and possibly reducing franchise fees, and

WHEREAS the obligation to obtain a local franchise to provide video services stems both from inherent local government authority over the use of its rights-of-way and from federal communications laws; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, AS FOLLOWS:**

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

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

1. Reduces City revenue;
2. Limits the City's ability to control use of the City's right-of-way;
3. Voids existing cable franchises;

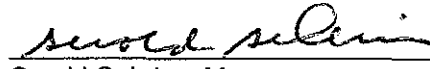
4. Permits any entity providing cable and/or video services to engage in customer redlining of any kind, and, to that extent, the City fully supports legislation that requires any entity that is issued a franchise to provide said services to fully build out a franchise area such that said services are equally available to all residents in the franchise area;
5. Removes local authority over customer complaints; and
6. 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.

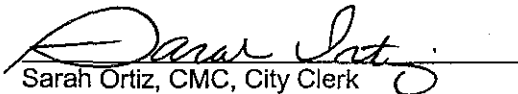
BE IT FURTHER RESOLVED that the City hereby reasserts that it has full authority to manage and control the use of its public rights-of-way and will vigorously oppose any efforts to interfere with those rights.

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 BY THE CITY COUNCIL ON JUNE 5, 2006


Gerald Gehring, Mayor

ATTEST:


Sarah Ortiz, CMC, City Clerk