

Introduced by: Councilmember Seamens

**CITY OF TAKOMA PARK, MARYLAND
RESOLUTION NO. 2013-18**

RETAINING SUELLEN FERGUSON TO REPRESENT THE CITY IN CABLE FRANCHISE NEGOTIATIONS

- WHEREAS, the City of Takoma Park has franchise agreements with three cable companies and the franchise agreement with Comcast is to expire June 30, 2013; and
- WHEREAS, although Montgomery County, on behalf of itself and most Montgomery County municipalities, takes the lead in the franchise negotiation process, the City of Takoma Park has some interests that are different than those of the County and the other municipalities; and
- WHEREAS, an agreement to be represented in the Comcast franchise renewal negotiations by David Podolsky of Stein, Sperlin, Bennett, DeJong, Driscoll & Greenfeig, P.C. has ended due to Mr. Podolsky's retirement; and
- WHEREAS, Suellen Ferguson of Council, Baradel, Kosmerl & Nolan, P.A. has agreed to represent the City of Takoma Park and several other municipalities under the same terms as those arranged with Mr. Podolsky; and
- WHEREAS, Ms. Ferguson has the needed experience with cable franchise negotiation in Montgomery and Prince George's Counties to serve as the City's legal representative in the Comcast franchise renewal negotiations and related negotiations on the division of franchise-related revenue with Montgomery County; and
- WHEREAS, the cost for the legal services is to be \$175 per hour plus expenses and such costs are likely to be paid by Comcast as part of the franchise agreement; and
- WHEREAS, if Comcast does not pay the legal costs of the City for the negotiations, the legal costs charged by Ms. Ferguson will be divided equally by the municipalities represented by her in the negotiations and paid to her firm when the negotiation process has concluded.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT the Acting City Manager is authorized to enter into a contract with Suellen Ferguson of Council, Baradel, Kosmerl & Nolan, P.A. for legal representation in the franchise renewal negotiations with Comcast and for related negotiations with Montgomery County on the division of franchise-related revenue.

Adopted this 18th day of March, 2013.

Attest:

Jessie Carpenter, CMC
City Clerk