

Introduced by: Councilmember Kovar

**CITY OF TAKOMA PARK, MARYLAND
RESOLUTION # 2016-10**

**AUTHORIZING APPROVAL OF AN AMENDED AGREEMENT WITH MONTGOMERY
COUNTY CONCERNING THE VERIZON CABLE FRANCHISE**

WHEREAS, pursuant to §5-204(d) of the Local Government Article, Annotated Code of Maryland, the City may grant a franchise for a cable television system; and

WHEREAS, Montgomery County, Maryland and the City granted a franchise for the operation of a cable communications system within the unincorporated portions of Montgomery County and the City upon the terms and conditions set forth in a certain Cable Franchise Agreement by and between Montgomery County, Maryland and Verizon Maryland, Inc.; and

WHEREAS, the City found that it is in the best interest of its residents that awarding or renewing a cable communications franchise and administration and regulation of the Verizon cable system, within the boundaries of the City, be undertaken by the County and to this end has enacted Section 17.04.010 of the City Code, which adopts, with certain amendments, Chapter 8A so that its provisions shall be effective within the City; and

WHEREAS, on December 11, 2006, the City Council adopted Resolution 2006-83, which approved an Agreement between the City and Montgomery County, Maryland, for the Administration and Regulation of the Verizon Franchise within the City's Corporate Limits;

WHEREAS, by the attached Amended Agreement to Implement the Verizon Cable Franchise Between Montgomery County, Maryland and the City of Takoma Park, Maryland, the City and the County replace the Agreement between the City and Montgomery County, Maryland, for the Administration and Regulation of the Verizon Franchise in its entirety and have set forth the terms and conditions upon which the County will administer and enforce the Municipality's Cable Communications Ordinance, if any, and implement Chapter 8A and the Verizon cable franchise, to include without limitation awarding or renewing a cable communications franchise; and

WHEREAS, the Council has determined that it is in the public interest to adopt the Amended Agreement to Implement the Verizon Cable Franchise Between Montgomery County, Maryland and the City of Takoma Park, Maryland to allow greater flexibility in the use of the PEG funds for operations in addition to capital costs; and.

WHEREAS, the Council understands that the County Executive recognizes that negotiation of franchise agreements is part of the administration service for which Takoma Park and other municipalities pay 30% of the franchise fees pursuant to this Agreement and expects that this function will continue for the duration of this Agreement; and

WHEREAS, the County has agreed to reimburse the City for legal fees incurred in conjunction with the negotiation of the attached Amended Agreement, up to \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Takoma Park, Maryland that the City Manager is authorized to sign the Amended Agreement to Implement the Verizon Cable Franchise Between Montgomery County, Maryland and the City of Takoma Park, Maryland in substantially the form attached, provided however that the County concurrently agrees to reimburse the City for up to \$5,000.000 of legal fees incurred in conjunction with the negotiation of this Amended Agreement.

ADOPTED this 18th day of May, 2016.

Attest:

Jessie Carpenter, CMC
City Clerk