

Introduced by: Councilmember Smith

**CITY OF TAKOMA PARK, MARYLAND
RESOLUTION #2016-11**

**AUTHORIZING APPROVAL OF AN AGREEMENT WITH MONTGOMERY COUNTY
CONCERNING THE COMCAST 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, Comcast of Potomac, LLC applied for a the renewal of a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City of Takoma Park, Maryland, (“the City”); and

WHEREAS, the City, in conjunction with Montgomery County, Maryland, conducted a public hearing on the proposed franchise on August 3, 2015; and

WHEREAS, Montgomery County, Maryland has granted a franchise for the operation of a cable communications system within the unincorporated portions of Montgomery County upon the terms and conditions set forth in a certain Cable Franchise Agreement by and between Montgomery County, Maryland and Comcast of Potomac, LLC, approved by the Montgomery County Council on February 9, 2016 (the “Franchise Agreement”) and effective on April 1, 2016; and

WHEREAS, based upon the application and supporting materials supplied by Comcast of Potomac, LLC, and the record of the hearing, the Council of the City found that the proposed franchise serves the best interests of the City and its residents, provided that the franchise is granted upon the terms and conditions set out in the Franchise Agreement; and

WHEREAS, the City finds that it is in the best interest of its residents that the awarding or renewing a cable communications franchise and administration and regulation of the Comcast cable system, within the boundaries of the City, to include without limitation awarding or renewing a cable communications franchise, be undertaken by the County and to this end has enacted Section 6-601 of the City Code, which adopts, with certain amendments, Chapter 8A so that its provisions shall be effective within the City; and

WHEREAS, by the attached Agreement to Implement the Comcast Cable Franchise Between Montgomery County, Maryland and the City of Takoma Park, Maryland,, the City and the County 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 Comcast cable franchise; 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 to the City for its legal fees incurred in conjunction with the negotiation of the Franchise Agreement and the attached 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 Agreement to Implement the Comcast 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 the Franchise Agreement and this Agreement.

ADOPTED this 18th day of May, 2016.

Attest:

Jessie Carpenter, CMC
City Clerk