

**Introduced by:** Councilmember Schultz

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION #2016-25**

**AUTHORIZING APPROVAL OF AN AGREEMENT WITH MONTGOMERY COUNTY  
CONCERNING THE STARPOWER 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 Starpower Communications, LLC (doing business as RCN); 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 Starpower 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,** by the attached Agreement to Implement the Starpower Cable Franchise Between Montgomery County, Maryland and Participating Municipalities, the City and County replace the previous agreement between the two parties 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 Starpower 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 Agreement to Implement the Starpower Cable Franchise Between Montgomery County and Participating Municipalities 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 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 Starpower Cable Franchise Between Montgomery County, Maryland and Participating Municipalities in substantially the form attached.

**ADOPTED** this 20th day of July, 2016.

**ATTEST:**

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Jessie Carpenter, CMC  
City Clerk