

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Kenneth Cohen, Acting Town Administrator / 954-797-1030

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: Resolution

AFFECTED DISTRICT: n/a

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING CONGRESS TO REJECT PROPOSED LEGISLATION THAT WOULD ELIMINATE LOCAL FRANCHISING AUTHORITY, EXISTING CABLE FRANCHISES AND LOCAL GOVERNMENT AUTHORITY TO PROVIDE COMMUNICATIONS SERVICES.

REPORT IN BRIEF: Legislation has been filed in the U.S. House of Representatives and the U.S. Senate that, if passed, would create a national video franchising process that would preempt cities from requiring local franchise agreements and would restrict the authority of local governments to provide communications services. This resolution urges the proposed legislation be rejected.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

RECOMMENDATION(S): Motion to approve the resolution

Attachment(s): Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING CONGRESS TO REJECT PROPOSED LEGISLATION THAT WOULD ELIMINATE LOCAL FRANCHISING AUTHORITY, EXISTING CABLE FRANCHISES AND LOCAL GOVERNMENT AUTHORITY TO PROVIDE COMMUNICATIONS SERVICES.

WHEREAS, current law requires a cable television operator to obtain a local franchise agreement from a city before a cable television operator offers video services to its residents; and

WHEREAS, the obligation to obtain a local franchise to provide video services stems both from inherent local government authority over the use of public rights-of-way and from the federal 1992 Cable Act Title VI; and

WHEREAS, the Town of Davie has granted a cable franchise to Comcast Cable Communications, Inc.; and

WHEREAS, cable companies are seeking federal legislation, potentially as part of the rewrite of the Federal Communications Act, which would restructure the local franchising process and create a national video franchise permitting telephone companies to offer video programming in cities without obtaining a local franchise agreement; and

WHEREAS, cities should have the authority to negotiate and enforce local franchise agreements to obtain needed services, including institutional networks and the provision of Public Educational and Government (PEG) access channels, which cities can use to provide messages and important information to their residents; and

WHEREAS, cities should have the authority to provide communications services, including internet, cable and telephone services, for the benefit of local residents and for economic development purposes, without undue interference from the federal or state governments; and

WHEREAS, H.R. 3146 has been filed by U.S. Representatives Marsha Blackburn (Tennessee) and Albert Wynn (Maryland) and S.1349 by U.S. Senators Gordon Smith (Oregon) and Jay Rockefeller (West Virginia) that would create a national cable/video franchise, thus eliminating the local franchising process; and

WHEREAS, U.S. Senators John Ensign (Nevada) and John McCain (Arizona) filed S.1504 titled the "Broadband Investment and Consumer Choice Act" that would prohibit state and local governments from requiring a franchise for the provision of video services, extinguish existing cable franchises, and restrict the authority of local governments to provide communications services; and

WHEREAS, for these reasons, the Town Council of the Town of Davie opposes this proposed legislation and urges the Florida Congressional Delegation, other members of Congress and the National League of Cities to oppose such proposed legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the Town Council opposes federal legislation that would create a national video franchising process pre-empting the Town from requiring a local franchise agreement from telephone companies to provide video services in the Town, extinguish existing cable franchises and restrict the authority of local governments to provide communications services.

SECTION 2. That it urges members of the Florida Congressional Delegation, other members of Congress and the National League of Cities to oppose this legislation and protect local franchising authority over video services and the ability to provide communications services.

SECTION 3. That it directs the Town Clerk to transmit a copy of this resolution to the Florida Congressional Delegation, Executive Director of the Broward Legislative Delegation, the National League of Cities, the Florida League of Cities, the Broward League of Cities, and to each municipal elected body in Broward County.

SECTION 4. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2006

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

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