

RESOLUTION NO. 22-2007

Offered by All of Council

A RESOLUTION OPPOSING OHIO SENATE BILL 117 AND SUPPORTING THE LOCAL CABLE FRANCHISING PROCESS; AND DECLARING AN EMERGENCY.

WHEREAS, Senate Bill (“SB”) was introduced in the Ohio Senate on March 15, 2007 and the Senate has already held, on March 27, 2007, the Sponsor’s introduction hearing and is expected to hold further hearings in April 2007; and

WHEREAS, in its present form, SB 117 would eliminate local franchise authority over cable and other video service providers that must use the Village’s rights-of-way to provide service and would replace that authority with only the most minimal oversight and enforcement powers by the Ohio Director of Commerce; and

WHEREAS, SB 117 would permit cable operators to unilaterally abrogate and abandon existing cable contracts with municipalities even if no new competitive video service is offered in those communities and would outlaw the extension of any franchise agreement; and

WHEREAS, SB 117 would reduce the franchise fees paid to the Village by cable operators and/or other video service providers in exchange for using the Village’s rights-of-way by 10-15% or more going forward, and would severely impair the Village’s ability to audit cable and competitive video service providers’ franchise fee payments; and

WHEREAS, SB 117 would substantially reduce, if not completely eliminate, the Village’s Public, Educational and Governmental (PEG) access channels and would eliminate entirely all specific PEG funding as well as other services, such a free cable service to Village buildings and public schools; and

WHEREAS, SB 117 would prohibit the Village from continuing to require that the incumbent cable operator or any new video service provider supply an Institutional Network for the provision of voice, video and data communications between and among Village buildings, public and private school buildings, and library buildings in the Village; and

WHEREAS, SB 117 would prohibit the Village from requiring a competitive video service provider to build-out its system so as to provide service to all Village residents, as has been traditionally required of cable television operators so as to ensure that all residents receive similar access to services; and

WHEREAS, further encroachment on local authority to monitor and regulate video/cable service providers using the Village’s rights-of-way to provide video/cable service to the Village’s residents is not in the Village’s best interest and is strongly opposed by this Council; and

WHEREAS, this Council specifically objects to any diminishment of the revenues it receives from video/cable providers which use the Village’s rights-of-way as a part of their business activities; any erosion of the Village’s ability to require universal service for all

residents and businesses within the Village; any erosion of the Village's right to require traditional community enhancements such as public, educational and governmental (PEG) access facilities and Institutional Network (I-Net) capacity from video/cable providers using the Village's rights-of-way; any erosion of the Village's ability to monitor customer service provided by video/cable operators; and any provision which diminishes the Village's authority to manage its public rights-of-way or otherwise infringes upon its Home Rule authority under the Ohio Constitution.


NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County State of Ohio, that:

SECTION 1. It is hereby declared that this Council is opposed to Ohio S.B. 117, presently before the Energy and Public Utilities Committee of the Ohio Senate, and urges the Ohio Legislature to oppose and defeat S.B. 117 and any other legislation which would further erode local government control and authority over the use of its rights-of-way in video/cable service providers utilizing its rights-of-way.

SECTION 2. The Clerk of Council is hereby directed to serve a certified copy of this Resolution upon the members of the Ohio Senate's Energy and Public Utilities Committee; upon Governor Ted Strickland; and upon State Senator Kevin Coughlin.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason it is immediately necessary that, in order to preserve local cable franchise authority, municipal revenues and the community benefits associated with that authority, it is imperative that the Ohio Senate be advised of the Village's opposition to SB 117 at the earliest possible time; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 4/3/07



President of Council



Mayor

Dated: 4/3/07

ATTEST:



Clerk of Council