



TO: Elizabeth Pauli, City Manager
FROM: Chris Bacha, Chief Deputy City Attorney
Bill Fosbre, City Attorney *BF*
COPY: City Council and City Clerk
SUBJECT: Resolution Relating to Surplus of Property – October 29, 2019
DATE: October 4, 2019

SUMMARY:

The purpose of this resolution is to set a public hearing, pursuant to RCW 35.94.040, on October 29, 2019, to take public testimony regarding (1) the surplus and potential use of the excess capacity of the Tacoma Power Commercial Network where the user pays for the capital and operating costs related to the excess capacity while the City retains full ownership of the Network, and (2) the surplus and potential sale of related inventory, equipment and vehicles.

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.
- Ensure all Tacoma residents are valued and have access to resources to meet their needs.

BACKGROUND:

The Public Utility Board and City Council, after review of multiple proposals from third parties, directed the Public Utilities Director to execute a letter of agreement with Rainier Connect to enter into good faith negotiation of agreements through which the City, through Tacoma Power, will retain ownership of the Tacoma Power Commercial Network and future improvements in the Click! Network service area, the capital and operating costs of the surplus excess capacity of the Tacoma Power Commercial Network will be borne by a third party, Tacoma Power will no longer provide cable television or wholesale internet access or data transport services, and Rainier Connect would use the surplus excess capacity of the Tacoma Power Commercial Network to provide broadband information services consistent with the 12 policy goals adopted by the City Council and Public Utility Board. The proposed agreements will include provisions ensuring, among other things, that the use and operation of the surplus excess capacity of the Tacoma Power Commercial Network by the new operator will not interfere with, or jeopardize the safety and security of, Tacoma Power's continued use and operation of the Tacoma Power Network. The hearing will provide an opportunity for public comment to be taken regarding the surplus of the excess capacity of the Tacoma Power Commercial Network, together with related inventory, equipment, and vehicles, in conformance with RCW 35.94.040.

ISSUE:

A public hearing is required pursuant to RCW 35.94.040 when surplus property acquired by Tacoma Power.

ALTERNATIVES:

There is no alternative that would comply with RCW 35.94.040.

RECOMMENDATION:

Staff recommends that the City Council approve the resolution scheduling the public Hearing for October 29, 2019.

FISCAL IMPACT:

None