



## RESOLUTION NO. U-10872

1 A RESOLUTION authorizing Tacoma Power to execute a Cable TV Franchise  
2 Agreement with the City of Fircrest.

3 WHEREAS the City of Tacoma, Department of Public Utilities, Light  
4 Division, d.b.a. Click! Network ("Click!"), requests approval of a ten-year cable  
5 TV franchise agreement with the City of Fircrest, and  
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7 WHEREAS, on July 26, 2016, the Fircrest City Council approved  
8 Ordinance No. 1578, granting a ten-year non-exclusive Cable TV Franchise  
9 Agreement ("Franchise") to Click! to construct, maintain, and provide cable  
10 television services, and

11 WHEREAS the Franchise provides for the terms and conditions under  
12 which Click! will operate in the City of Fircrest, including compliance with right-  
13 of-way regulations, provision of evidence of insurance, payment of 6% utility tax  
14 and payment of 5% franchise fee based on gross revenues generated from  
15 cable television operations within the City of Fircrest, and  
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17 WHEREAS it is in the best interest to accept said Franchise as  
18 recommended; Now, therefore,

19 BE IT RESOLVED BY THE PUBLIC UTILITY BOARD OF THE CITY OF TACOMA:

20 That the ten-year non-exclusive Cable TV Franchise Agreement granted  
21 by the City of Fircrest to Click! to construct, maintain, and provide cable  
22 television services is approved. Tacoma City Council is requested to concur in  
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the approval and authorize the Power Superintendent to execute said Agreement substantially in the form on file, as approved by the City Attorney.

Approved as to form and legality:

William C. Foster  
Chief Deputy City Attorney

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Clerk

Adopted \_\_\_\_\_

of August 24, 2016

**REQUEST FOR RESOLUTION**

Date: August 2, 2016

INSTRUCTIONS: File request in the Office of the Director of Utilities as soon as possible but not later than nine working days prior to the Board meeting at which it is to be introduced. Completion instructions are contained in Administrative Policy POL-104.

1. Summary title for Utility Board agenda: (not to exceed twenty-five words)

Authorization to accept Cable TV Franchise Agreement Between the City of Fircrest and City of Tacoma, Dept. of Public Utilities, Light Division, dba Click! Network

2. A resolution is requested to: (brief description of action to be taken, by whom, where, cost, etc.)

This Resolution would authorize the Power Superintendent/COO to execute the Franchise Agreement approved by the City of Fircrest on July 26, 2016 by its Ordinance No. 1578, signifying acceptance by City of Tacoma.

3. Summarized reason for resolution:

A non-exclusive Cable TV Franchise was granted to City of Tacoma, Dept. of Public Utilities, Light Division, dba Click! Network August 12, 2003 for a ten year term. The Franchise was amended in 2005 to increase the Franchise Fee to 5% and to extend the term of the Franchise until April 8, 2016. After negotiations, the parties agreed to a non-exclusive Cable TV Franchise agreement with a ten year term, to expire ten years after the date of acceptance by City of Tacoma, in 2026. The Franchise provides for the terms and conditions under which Click! Network will operate in the City of Fircrest, including compliance with right-of-way regulations, provision of evidence of insurance, payment of 6% utility tax and payment of 5% franchise fee based on gross revenues generated from cable television operations within the City of Fircrest.

4. Attachments:

a. City of Fircrest Ordinance No. 1578 and Franchise agreement executed July 26, 2016 by the City Manager of the City of Fircrest.

5.  Funds available  Proposed action has budgetary impact

Utility tax and franchise fee costs are passed through to cable television customers in Fircrest and received by Click! Network as a portion of its revenue and then remitted to City of Fircrest.

6. Deviations requiring special waivers: None

Originated by:

  
Section Head

Requested by:

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Division Head

Approved:

  
Director of Utilities