



RESOLUTION NO. 40574

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS THOMS
2 AND USHKA

3 A RESOLUTION expressing City Council support of the *Protecting Community*
4 *Television Act*, and calling on Congress to pass legislation, such as the
5 *Protecting Community Television Act*, to reverse the Federal
6 Communication Commission's recent order requiring that cable related,
7 in-kind contributions required by local franchising authorities be considered
8 a "franchise fee"; and urging all House members and Senators from
9 Washington to cosponsor the *Protecting Community Television Act*.

10 WHEREAS the City negotiates and manages the cable franchise
11 agreements of the City and operates TV Tacoma, a local community educational
12 and governmental ("EG") access facility, and

13 WHEREAS TV Tacoma provides coverage of local events, such as the
14 Dr. Martin Luther King Junior Birthday Celebration, Junior Daffodil Parade, Relay
15 for Life, Boys and Girls Clubs Youth of the Year Scholarship night, and many
16 government meetings that local broadcast stations, such as KING, KIRO, KOMO,
17 KCPQ, and KSTW, typically will not cover, and

18 WHEREAS thorough local news coverage is vital for the transparency and
19 civic engagement valued by the City, and TV Tacoma is a principal source for local
20 residents to have access to coverage of local government policymaking and events,
21 and

22 WHEREAS TV Tacoma is funded through franchise fee and Education and
23 Government ("EG") fee revenues negotiated and formalized in cable franchise
24 agreements, and

25
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS the City requires, as part of the cable franchise agreements, that cable companies meet demonstrated community needs by providing non-monetary, in-kind contributions which benefit the City, local schools, and public safety buildings, as well as TV Tacoma, and

WHEREAS, in 1984, Congress defined a franchise fee as a “tax, fee, or assessment” and, for the past 35 years, it has been solely a monetary fee, and

WHEREAS, last year, the Federal Communication Commission (“FCC”) departed from the clear language of the Cable Act and ruled that a franchise fee is both a monetary and non-monetary fee, and permitted cable companies to unilaterally assign a value to the non-monetary, in-kind contributions and subtract that amount from the franchise fees that the cable operator pays the local community, and

WHEREAS the FCC order results in decreased vital funding to the City and TV Tacoma, and

WHEREAS the *Protecting Community Television Act* (currently S. 3218 / HR 5659) has been introduced in Congress, and its goal is to maintain the status quo by reversing the FCC order and allowing franchise fees to be calculated as they have been for over 35 years, as monetary only fees, and

WHEREAS this legislation is supported by the National League of Cities, U.S. Conference of Mayors, National Association of Counties, Association of Washington Cities, and National Association of Telecommunications Officers and Advisors (“NATOA”); Now, Therefore,



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Section 1. That the City Council expresses its support of the *Protecting Community Television Act*, and calls on Congress to pass legislation, such as the *Protecting Community Television Act*, to reverse the Federal Communication Commission’s recent order requiring that cable related, in-kind contributions required by local franchising authorities be considered a “franchise fee.”

Section 2. That the City Council urges all House members and Senators from Washington to cosponsor the *Protecting Community Television Act*.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney