

ORDINANCE No. 116717

COUNCIL BILL No. 109628

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The City of

AN ORDINANCE relating to cable television; authorizing the Mayor to execute one year franchise extension agreements with Viacom Cable, and repealing SMC 21.60.610 and Ordinance 105427 § 18(b).

*Law Department*

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: APR 5 1993	By: DONALDSON
Referred: APR 1 1993	To: FULL COUNCIL
Referred: APR 1 1993	To: UTILITIES & ENVIRONMENTAL MANAGEMENT COMMITTEE
Referred: 5/25/93	To: <i>passed 20 uninc</i>
Reported: JUN 1 1993	Second Reading: JUN 1 1993
Third Reading: JUN 1 1993	Signed: JUN 1 1993
Presented to Mayor: JUN 2 1993	Approved: JUN 6 1993
Returned to City Clerk: JUN 6 1993	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

*Full Council*

OK

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

ment

President:

Committee on \_\_\_\_\_

was referred the within Council Bill No. \_\_\_\_\_

that we have considered the same and respectfully recommend that the same:

Full Council vote 9-0

\_\_\_\_\_  
Committee Chair

ORDINANCE 116717

1  
2 AN ORDINANCE relating to cable television; authorizing the  
3 Mayor to execute one year franchise extension agreements  
4 with Viacom Cable, and repealing SMC 21.60.610 and  
Ordinance 105427 § 18(b).

5 WHEREAS, the renewal of certain cable television franchises is  
6 governed by 47 U.S.C. § 521 et. seq., the federal Cable  
Act; and

7 WHEREAS, the City of Seattle has been engaged in the informal  
8 process for cable franchise renewals with Viacom  
Cable as authorized by 47 U.S.C. § 546(h); and

9 WHEREAS, the current cable franchise will expire in August,  
10 1993; and

11 WHEREAS, the City believes that it is in its best interest to  
12 extend the existing franchise for a period of one (1) year  
13 to allow a full opportunity to reach an agreement on the  
14 terms and conditions of a renewed franchise; Now,  
therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

15 Section 1. The Mayor of the City of Seattle is authorized  
16 to execute a cable television franchise extension agreement in  
17 substantially the form set forth in Exhibit A with Viacom  
18 Cable.

19 Section 2. SMC 21.60.610 and Ordinance 105427 § 18(b) are  
20 hereby repealed.

21 Section 3. Any acts made consistent with the authority  
22 and prior to the effective date of this ordinance are hereby  
23 ratified and confirmed.

24 Section 4. This ordinance shall take effect and be in  
25 force thirty days from and after its passage and approval, if  
26 approved by the Mayor; otherwise it shall take effect at the  
27 time it shall become a law under the provisions of the City  
28 Charter.

29 Passed by the City Council the 1st day of June,  
30 1993, and signed by me in open session in authentication of its  
31 passage this 1st day of June, 1993.

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\_\_\_\_\_  
President of the City Council

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Approved by me this 8<sup>th</sup> day of June, 1993.

Norman B. Rice  
Norman B. Rice, Mayor

Filed by me this 8<sup>th</sup> day of June, 1993.

(SEAL)

Published \_\_\_\_\_

By Margaret Carter  
Deputy Clerk

**AGREEMENT FOR ONE YEAR EXTENSION OF CABLE FRANCHISE**

WHEREAS, The City of Seattle ("City") and United Community Antenna System Inc. d/b/a Viacom Cable ("Viacom") have been engaged in proceedings for the renewal of Viacom's cable communications franchise invoked by written notice dated August 24, 1990 provided by Viacom pursuant to 47 U.S.C. § 546(a), and the parties have thus far proceeded informally as authorized by 47 U.S.C. § 546(h); and

WHEREAS, the current cable franchise will expire on August 2, 1993; and

WHEREAS, the parties believe that it is in their best interests to extend the existing franchise for a period of one (1) year to allow the parties a full opportunity to reach an agreement on the terms and conditions of a renewed franchise; Now, therefore,

THE PARTIES AGREE AS FOLLOWS:

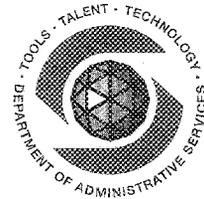
1. The existing cable TV franchise granted by the City to Viacom pursuant to Ordinance 107433 and the date for expiration of said franchise shall be extended to August 2, 1994 (or any earlier date mutually agreed upon by the parties).
2. The parties specifically agree that this extension shall not be deemed a new franchise and shall not grant new rights or impose new obligations on either party. The extension shall not be deemed a determination by the City of the future cable-related needs and interests of the community. The determination whether Viacom has satisfied the criteria for renewal set forth in 47 U.S.C. § 546(c)(1), shall be based on the entire franchise period and not limited to the extension period.
3. Claims the City or Viacom may have against each other under any provision of the franchise or applicable law are not released or otherwise affected by this agreement.
4. Neither this agreement nor the extension of the franchise constitutes an agreement or concession by the City that any planned upgrade or rebuild of Viacom's cable system will be or is adequate to meet future cable-related community needs and interests; the City reserves any and all rights it has under the Cable Act or any other authority to require construction of a different or modified system. At the same time, this agreement does not prevent Viacom and the City from entering into a subsequent agreement during the extension period which is adequate to meet future cable-related needs and interests.





City of Seattle  
Department of Administrative Services

Kenneth J. Nakatsu, Director  
Norman B. Rice, Mayor



April 1, 1993

Honorable George Benson, President  
City Council  
City of Seattle

VIA: Diana Gale, Budget Director

Dear Councilmember Benson:

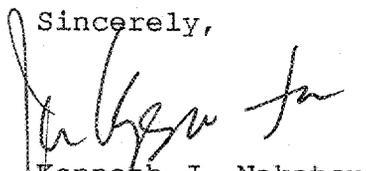
SUBJECT: Cable Franchise Extension Ordinances

Enclosed for the Council's consideration are two proposed ordinances concerning cable television. The City has been engaged in discussions with TCI and Viacom concerning renewal of each firm's cable television franchise. These franchises currently expire in August 1993. We believe that it is in the City's best interest to extend the existing franchises for one year to allow a full opportunity to reach a satisfactory agreement on the terms and conditions of a renewed franchise for each firm. The proposed ordinances would authorize the Mayor to execute such an extension with TCI and Viacom respectively.

In addition, the ordinances repeal SMC 21.60.610 which was adopted as part of the City's Cable Television Ordinance in 1976. In the opinion of the Law Department, SMC 21.60.610 is no longer appropriate because the renewal process for existing cable television franchises has been preempted by federal law.

If the Council has questions about these proposed ordinances, please call Jan Vazzano of DAS at 684-0504 or Rodney Eng of the Law Department at 684-8241.

Sincerely,



Kenneth J. Nakatsu  
Director

KJN:lp:ldt

Enclosures

**AGREEMENT FOR ONE YEAR EXTENSION OF CABLE FRANCHISE**

WHEREAS, The City of Seattle ("City") and United Community Antenna System Inc. d/b/a Viacom Cable ("Viacom") have been engaged in proceedings for the renewal of Viacom's cable communications franchise invoked by written notice dated August 24, 1990 provided by Viacom pursuant to 47 U.S.C. § 546(a), and the parties have thus far proceeded informally as authorized by 47 U.S.C. § 546(h); and

WHEREAS, the current cable franchise will expire on August 2, 1993; and

WHEREAS, the parties believe that it is in their best interests to extend the existing franchise for a period of one (1) year to allow the parties a full opportunity to reach an agreement on the terms and conditions of a renewed franchise; Now, therefore,

THE PARTIES AGREE AS FOLLOWS:

1. The existing cable TV franchise granted by the City to Viacom pursuant to Ordinance 107433 and the date for expiration of said franchise shall be extended to August 2, 1994 (or any earlier date mutually agreed upon by the parties).
2. The parties specifically agree that this extension shall not be deemed a new franchise and shall not grant new rights or impose new obligations on either party. The extension shall not be deemed a determination by the City of the future cable-related needs and interests of the community. The determination whether Viacom has satisfied the criteria for renewal set forth in 47 U.S.C. § 546(c)(1), shall be based on the entire franchise period and not limited to the extension period.
3. Claims the City or Viacom may have against each other under any provision of the franchise or applicable law are not released or otherwise affected by this agreement.
4. Neither this agreement nor the extension of the franchise constitutes an agreement or concession by the City that any planned upgrade or rebuild of Viacom's cable system will be or is adequate to meet future cable-related community needs and interests; the City reserves any and all rights it has under the Cable Act or any other authority to require construction of a different or modified system. At the same time, this agreement does not prevent Viacom and the City from entering into a subsequent agreement during the extension period which is adequate to meet future cable-related needs and interests.





# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



April 2, 1993

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

**REQUESTING  
DEPARTMENT**

Department of Administrative Services

**SUBJECT:**

**AN ORDINANCE** relating to cable television; authorizing the Mayor to execute one year franchise extension agreements with Viacom Cable, and repealing SMC 21.60.610 and Ordinance 105427 section 18(b).

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Mona Goode at 684-8080.

Sincerely,

Norman B. Rice  
Mayor

by

A handwritten signature in cursive script, appearing to read "Diana Gale".

DIANA GALE  
Budget Director

DG\mg\mpj

Enclosure

cc: Director, Department of Administrative Services

EXHIBIT A

AGREEMENT FOR ONE YEAR EXTENSION OF CABLE FRANCHISE

WHEREAS, The City of Seattle ("City") and United Community Antenna System Inc. d/b/a Viacom Cable ("Viacom") have been engaged in proceedings for the renewal of Viacom's cable communications franchise invoked by written notice dated August 24, 1990 provided by Viacom pursuant to 47 U.S.C. § 546(a), and the parties have thus far proceeded informally as authorized by 47 U.S.C. § 546(h); and

WHEREAS, the current cable franchise will expire on August 2, 1993; and

WHEREAS, the parties believe that it is in their best interests to extend the existing franchise for a period of one (1) year to allow the parties a full opportunity to reach an agreement on the terms and conditions of a renewed franchise; Now, therefore,

THE PARTIES AGREE AS FOLLOWS:

1. The existing cable TV franchise granted by the City to Viacom pursuant to Ordinance 107433 and the date for expiration of said franchise shall be extended to August 2, 1994 (or such earlier date as mutually agreed to by the parties).
2. The parties specifically agree that this extension shall not be deemed a new franchise and shall not grant new rights or impose new obligations on either party. The extension shall not be deemed a determination by the City of the future cable-related needs and interests of the community. The determination whether Viacom has satisfied the criteria for renewal set forth in 47 U.S.C. § 546(c)(1), shall be based on the entire franchise period and not limited to the extension period.
3. Claims the City or Viacom may have against each other under the any provision of the franchise or applicable law are not released or otherwise affected by this agreement.
4. Neither this agreement nor the extension of the franchise constitutes an agreement or concession by the City that any planned upgrade or rebuild of Viacom's cable system will be or is adequate to meet future cable-related community needs and interests; the City reserves any and all rights it has under the Cable Act or any other authority to require construction of a different or modified system. At the same time, this agreement does not prevent Viacom and the City from entering into a subsequent agreement during the extension period which does meet future cable-related needs and interests.





STATE OF WASHINGTON - KING COUNTY

31607  
City of Seattle

-ss.

No.

City of Seattle  
ORDINANCE 116717

AN ORDINANCE relating to cable television; authorizing the Mayor to execute one year franchise extension agreements with Viacom Cable, and repealing SMC 21.60.610 and Ordinance 105427 § 18(b).

WHEREAS, the renewal of certain cable television franchises is governed by 47 U.S.C. § 521 et. seq., the federal cable Act; and

WHEREAS, the City of Seattle has been engaged in the informal process for cable franchise renewals with Viacom Cable as authorized by 47 U.S.C. § 546(h); and

WHEREAS, the current cable franchise will expire in August, 1993; and

WHEREAS, the City believes that it is in its best interest to extend the existing franchise for a period of one (1) year to allow a full opportunity to reach an agreement on the terms and conditions of a renewed franchise; Now, therefore,

BE IT OBTAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor of the City of Seattle is authorized to execute a cable television franchise extension agreement in substantially the form set forth in Exhibit A with Viacom Cable.

Section 2. SMC 21.60.610 and Ordinance 105427 § 18(b) are hereby repealed.

Section 3. Any acts made consistent with the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City Charter.

Passed by the City Council the 1st day of June, 1993, and signed by me in open session in authentication of its passing this 1st day of June, 1993.

GEORGE E. BENSON,  
President of the City Council,  
Approved by me this 8th day of June, 1993.

NGERMAN B. RICE,  
Mayor,  
Filed by me this 8th day of June, 1993.

(Seal) By: MARGARET CARTER,  
Deputy Clerk,  
Publication ordered by JUDITH HIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, June 17, 1993.  
6/17(31607)

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months the date of publication hereinafter referred to, published in English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

notice in the exact form annexed, was published in regular form of The Daily Journal of Commerce, which was regularly delivered to its subscribers during the below stated period. The notice, a

D:116717

lished on  
/17/93

amount of the fee charged for the foregoing publication is of \$ \_\_\_\_\_ which amount has been paid in full.

*[Signature]*  
Subscribed and sworn to before me on  
06/17/93  
*[Signature]*

Notary Public for the State of Washington,  
residing in Seattle