

RESOLUTION NO.: 2007-R37
SPONSOR: MAYOR CROGHAN
INTRODUCED: APRIL 24, 2007 **ASSIGNED TO:** COUNCIL

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

WHEREAS, Senate Bill ("SB") 117 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 City'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 City by cable operators and/or other video service providers in exchange for using the City's rights-of-way by ten to fifteen (10-15%) percent or more, and would severely impair the City's ability to audit cable and competitive video service providers' franchise payments; and

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

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

WHEREAS, City Council specifically objects to any diminishment of the revenue it receives from video/cable providers which use the City's rights-of-way as a part of their business activities; any erosion of the City's ability to require universal service for all residents and businesses within the City; any erosion of the City'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 City's rights-of-way; any erosion of the City's ability to monitor customer service provided by video/cable operations; and, any provision which

diminishes the City'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 CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO THAT:

SECTION ONE:

City Council opposes SB 117, presently before the Energy and Public Utilities Committee of the Ohio Senate, and urges the Ohio Legislature to oppose and defeat SB 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 TWO:

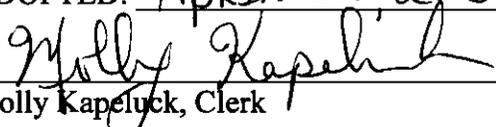
City Council directs the Clerk to serve a certified copy of this Resolution upon the members of the Ohio Senate's Energy and Public Utilities Committee; upon Governor Ted Strickland; and, upon State Senator Tom Sawyer.

SECTION THREE:

The City of Green finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION FOUR:

Council declares this to be an emergency immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of Green because the City needs to formally communicate its opposition to SB 117 to the State Legislature before they vote on SB 117. Provided that this legislation receives the affirmative vote of three-fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: APRIL 24, 2007

Molly Kapeluck, Clerk


Bruce Manwaring,
Council President

APPROVED: APRIL 24, 2007

Senate's Energy & Public Utilities
Comm.
Governor Strickland
Senator Sawyer

Daniel L. Croghan
Daniel L. Croghan, Mayor

COPIED Chuck Lyons
SVCE ZONE PARK ROAD ENG
LAW ~~FIN~~ MAY PLAN FIRE

ENACTED EFFECTIVE: April 24, 2007

ON ROLL CALL: Colopy -YEA Croce -YEA France -YEA Manwaring -YEA
Padrutt -YEA Ridgeway -YEA Smole -YEA Adopted 7-0

Suburbanite publication on April 30 and May 7, 2007

Molly Kapeluck
Molly Kapeluck, Clerk

4/23/2007 1:10 PM Approved as to form and content by Stephen J. Pruneski, Law Director SKO 4/23/07