



Legislation Details (With Text)

File #: CB 118411 **Version:** 3 **Name:** CB 118411
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 7/13/2015
Final Action: 7/17/2015 **Ord. No.** Ord 124810

Title: AN ORDINANCE related to cable television; authorizing the Mayor or his designee to enter into a new Cable Television Franchise Agreement and an agreement regarding additional public benefits with Qwest Broadband Services, Inc. d/b/a CenturyLink; authorizing the Chief Technology Officer to enter into other agreements for the purpose of implementing or administering the new franchise; increasing appropriations in the 2015 budget of the Department of Information Technology for costs incurred in processing the franchise application; and transferring cash received for processing the franchise application; all by a 3/4 vote of the City Council.

Sponsors: Bruce Harrell

Indexes:

Attachments: 1. Att A: Cable Television Franchise Agreement v2, 2. Att B: Letter of Agreement v2, 3. Summary and Fiscal Note v4, 4. Att A: Cable Television Franchise Agreement v1, 5. Att B: Letter of Agreement v1, 6. Summary and Fiscal Note v3, 7. Central Staff Memo with Proposed Amendments to CB 118411 and Attachments A & B, 8. Mayor's Transmittal Letter, 9. Signed Ordinance 124810

Date	Ver.	Action By	Action	Result
7/17/2015	3	City Clerk	attested by City Clerk	
7/17/2015	3	Mayor	Signed	
7/17/2015	3	Mayor	returned	
7/14/2015	3	City Clerk	submitted for Mayor's signature	
7/13/2015	3	City Council	passed	Pass
7/1/2015	2	Public Safety, Civil Rights, and Technology Committee	pass as amended	Pass
6/8/2015	2	City Council	referred	
6/3/2015	1	Council President's Office	sent for review	
6/2/2015	1	City Clerk	sent for review	
6/2/2015	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE related to cable television; authorizing the Mayor or his designee to enter into a new Cable Television Franchise Agreement and an agreement regarding additional public benefits with Qwest Broadband Services, Inc. d/b/a CenturyLink; authorizing the Chief Technology Officer to enter into other agreements for the purpose of implementing or administering the new franchise; increasing appropriations in the 2015 budget of the Department of Information Technology for costs incurred in

processing the franchise application; and transferring cash received for processing the franchise application; all by a 3/4 vote of the City Council.

WHEREAS, The City of Seattle desires to promote competition in the delivery of cable services available to its residents; and

WHEREAS, Qwest Broadband Services, Inc. d/b/a CenturyLink, a Delaware corporation (QBSI), seeks to provide competitive cable services to the residents of Seattle; and

WHEREAS, on April 28, 2015, QBSI submitted an application and \$20,000 processing fee required by Seattle Municipal Code 21.60.080 to the City seeking a cable franchise to provide cable services in the City (Application); and

WHEREAS, QBSI is a wholly owned subsidiary of CenturyLink, Inc. (CenturyLink), a Louisiana corporation; and

WHEREAS, the Application contemplates that the facilities that comprise the cable system will be constructed, owned, and maintained by Qwest Corporation (QC), a wholly owned subsidiary of CenturyLink and an affiliate of QBSI; and

WHEREAS, QBSI will utilize QC's facilities to provide cable services in the City; and

WHEREAS, the Office of Cable Communications determined that QBSI's Application was complete and contained the information required for a new cable franchise under Seattle Municipal Code Section 21.60.080; and

WHEREAS, the Office of Cable Communications has performed a legal, technical, and financial review of QBSI's qualifications to provide cable services in the City; and

WHEREAS, the Office of Cable Communications finds QBSI to be qualified to provide cable services in the City; and

WHEREAS, the City and QBSI have negotiated in good faith to develop a proposed franchise with terms that will meet the needs and interests of the community and the competitive equity requirements of existing cable franchise agreements; and

WHEREAS, pursuant to Article IV, Section 10 of the City’s Charter, at least 30 days has passed since introduction of this legislation; and

WHEREAS, pursuant to Article IV, Section 10 of the City’s Charter, this ordinance has been published in the official newspaper of the City for ten consecutive press days; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor, or the Mayor’s designee, is authorized to enter into a cable television franchise agreement with Qwest Broadband Services, Inc. d/b/a CenturyLink, a Delaware corporation (QBSI) in substantially the form attached to this ordinance as Attachment A ("Cable Television Franchise Agreement"), so long as the Cable Television Franchise Agreement is signed by QBSI no later than the effective date of this ordinance.

Section 2. The Mayor, or the Mayor’s designee, is authorized to enter into an agreement with QBSI regarding additional public benefits in substantially the form attached to this ordinance as Attachment B ("Letter of Agreement"), so long as the Letter of Agreement is signed by QBSI no later than the effective date of this ordinance.

Section 3. The Chief Technology Officer (CTO) is authorized to enter into other agreements with QBSI, Qwest Corporation (QC), and CenturyLink for the purpose of implementing or administering the Cable Television Franchise Agreement.

Section 4. In order to pay for necessary costs and expenses incurred or to be incurred in 2015 associated with the processing of the QBSI franchise application, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of the making of the 2015 budget, the appropriations for the following items in the 2015 budget are increased from the funds shown, as follows:

Item	Fund	Department	Budget Control Level	Amount
4.1	Information Technology Fund (50410)	Department of Information Technology (DoIT)	Office of Electronic Communications (50410-D4400)	\$20,000

4.2	Cable Television Franchise Subfund (00160)	Cable Television Franchise Subfund	Cable Fee Support to Information Technology Fund (D160B)	\$20,000
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Section 5. To support the appropriation for item 4.1, cash is transferred as shown in the following table:

Item	Fund	Amount	Transferred (In/Out)
5.1	Information Technology Fund (50410)	\$20,000	Transferred In
	Cable Television Franchise Subfund (00160)	(\$20,000)	Transferred Out

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by a 3/4 vote of all the members of the City Council the ____ day of _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

ATTACHMENTS: Attachment A: City of Seattle Cable Television Franchise Agreement

Attachment B: Letter of Agreement