

RESOLUTION R - 03-87

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE NON-AUTOMATIC RENEWAL OF CERTAIN CABLE TELEVISION FRANCHISES; REQUIRING RENEGOTIATION OF SAME; DIRECTING THE COUNTY ATTORNEY TO SEEK FUTURE BOARD APPROVAL TO FILE DECLARATORY JUDGMENT ACTIONS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

WHEREAS, Manatee County is a "franchising authority" under federal law governing cable television; and

WHEREAS, pursuant to this status, Manatee County has from time to time entered into non-exclusive cable television franchises with cable television providers; and

WHEREAS, Florida law requires a cable television franchise issued to one cable company to contain terms which are no more or less restrictive nor favorable than the terms granted or imposed upon other cable companies (the so-called "level playing field" requirement); and

WHEREAS, Manatee County has recently entered into a franchise agreement with a new cable television provider within the County; and

WHEREAS, the new franchise contains terms and conditions, including provisions intended to stimulate competition between providers, which the County desires to constitute a new baseline agreement for purposes of all future franchise negotiations/agreements, including renewals; and

WHEREAS, the terms and conditions of franchise agreements of other providers contain "automatic renewal" provisions requiring notice of decisions not to renew; and

WHEREAS, several such franchises are at or near the notice window; and

WHEREAS, the County Administration and County Attorney have recommended and advised that notice of non-renewals on these franchises should be provided so that the agreements may be re-negotiated to comply with the level playing field requirements; and

WHEREAS, the County Administrator has received responses from one or more franchise holders that disputes may exist regarding the County's efforts to comply with State law and County policy and these disputes if not resolved in advance may cause service interruption to customers; and

WHEREAS, it is in the best interests of Manatee County's cable television customers that all cable franchise agreements be notified of non-renewal and subject to re-negotiation as they come due for notice.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. Each cable television franchise agreement which is or may move into the non-automatic renewal notice window shall be not renewed automatically, but shall instead be subject to notice of non-renewal so that the County may re-negotiate the terms of such agreements to comport with the County's current cable television needs.
2. The County Administrator and County Attorney are authorized to implement this policy by such means as necessary, including providing notices, engaging in negotiations, and drafting agreements for Board consideration.
3. The County Attorney is directed to seek future Board approval to file declaratory judgment actions to ensure that a Court will address any questions or disputes concerning the County's efforts to comply with State law and County Policy, including its franchise non-renewal notices and offer of re-negotiation regarding these franchises.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

BE IT FURTHER RESOLVED that any existing Resolution or portion thereof of the Board of County Commissioners which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Resolution shall, as to such terms or provisions, be deemed as superseded by this Resolution.

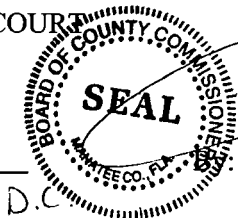
BE IT FURTHER RESOLVED that the provisions of this Resolution are severable such that the invalidity of any one provision shall not operate to invalidate any other provision.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, this 25th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

ATTEST: R. B. "CHIPS" SHORE
CLERK OF CIRCUIT COURT

By: Robin Liberty



Jane von Hahmann
Jane von Hahmann
Vice Chairman