

RESOLUTION NO. R07-05 CMS

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 whereas on March 27, 2007, the Senate held the Sponsor's introduction hearing and is expected to commence 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 of Oberlin'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/video contracts with municipalities even if no new competitive video service is offered in those communities and would outlaw the extension of any current franchise agreement, and

WHEREAS, SB 117 would significantly reduce the franchise fees paid to the City of Oberlin by cable operators and/or other video service providers in exchange for using the City of Oberlin's rights-of-way, and would severely impair the City of Oberlin's ability to audit cable and competitive video service providers' franchise fee payments; and

WHEREAS, SB 117 would substantially reduce, if not completely eliminate, the City of Oberlin's ability to have dedicated 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 of Oberlin buildings and public schools, and

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

WHEREAS, SB 117 would prohibit the City of Oberlin from requiring that any cable/video service provider supply an Institutional Network for the provision of voice, video and data communications between and among City of Oberlin buildings, public and private school buildings, and library buildings in the City of Oberlin; and

WHEREAS, SB 117 would prohibit the City of Oberlin from enforcing reasonable cable customer service standards determined by the community, as permitted by current Federal law, and

WHEREAS, this further encroachment on local authority to monitor and regulate video/cable service providers using the City of Oberlin's rights-of-way to provide video/cable service to the City of Oberlin's residents is not in the City of Oberlin's best interest and is strongly opposed by this Council, and

WHEREAS, this Council specifically objects to any diminishment of the revenue it receives from video/cable providers which use the City of Oberlin's rights-of-way as a part of their business activities, any erosion of the City of Oberlin's ability to require universal service for all residents and businesses within the City of Oberlin, any erosion of the City of Oberlin's right to require traditional community enhancements such as dedicated public, educational and governmental (PEG) access facilities and Institutional Network (I-Net) capacity from video/cable providers using the City of Oberlin's rights-of-way, any erosion of the City of Oberlin's ability to ensure adequate customer service provided by video/cable operations; and any provision which diminishes the City of Oberlin'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 Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7th) of all members elected thereto concurring

Section 1 It is hereby declared that this Council is opposed to Ohio S B 117, presently before the Energy and Public Utilities Committee of the Ohio Senate, and urges the Ohio Legislature to oppose and defeat S B 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 2 The Clerk of Council is hereby directed to serve a certified copy of this Resolution upon Governor Ted Strickland, and upon State Senator Sue Morano; and upon the members of the Ohio Senate's Energy and Public Utilities Committee

Section 3 It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121 22 of the Ohio Revised Code

SECTION 4 That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, to wit

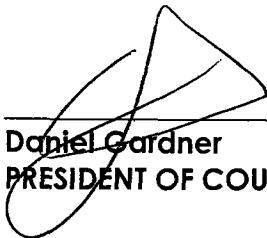
“to ensure that the opinion of Oberlin City Council on an issue very important to the citizens of the City of Oberlin be received by the Governor and State legislature in a timely manner,” and shall take effect immediately upon passage

PASSED 1st Reading – May 7, 2007 (E)
 2nd Reading –
 3rd Reading –

ATTEST



Sheri Haury
CLERK OF COUNCIL



Daniel Gardner
PRESIDENT OF COUNCIL

POSTED May 8, 2007

EFFECTIVE DATE May 8, 2007