



Legislation Text

File #: 2016-0345, **Version:** 1

Request for Approval of Uniform Video Service Local Franchise Agreement with AT&T

Whereas, the Uniform Video Services Local Franchise Act, 2006 PA 480, requires a Video Service Provider to enter into a State-Mandated Uniform Video Service Local Franchise Agreement (the "Franchise Agreement") with the City, as the Franchising Entity, prior to offering video services within the City's boundaries; and

Whereas, the City approved and entered into a Uniform Video Service Local Franchise Agreement with AT&T Michigan, in 2007, for a 10-year term; and

Whereas, AT&T Michigan has applied for an additional 10-year renewal pursuant to Section V.B of the current Franchise Agreement and Section 3(7) of PA 480. The form of the new Franchise Agreement and the fees will be the same as the current Agreement; and

Whereas, the agreement was found to be complete; and

Whereas, Section 3(3) of the Act requires a Franchising Entity to approve a Franchise Agreement within thirty (30) calendar days after a complete Franchise Agreement is submitted; and

Whereas, the City Council determines the Franchise Agreement meets the requirements of the Act, and therefore, undertakes to adopt this Resolution approving the Franchise Agreement, as required by the Act.

Now, Therefore, It Is Resolved, the Rochester Hills City Council finds that the Franchise Agreement meets the requirements of the Act, and solely for that reason, the City approves the Franchise Agreement with AT&T Michigan.

It Is Further Resolved, by approving the Franchise Agreement, the City does not intend to waive any right to challenge any provisions of the Act or any related provisions of the Franchise Agreement on the basis that such provisions are unconstitutional, unlawful, invalid or enforceable, including on the grounds that a particular action is an unconstitutional impairment of contractual rights, and further reserves any and all rights stemming from any successful challenge to such provisions undertaken by any other local franchising entity.

It Is Further Resolved, AT&T Michigan shall be expected and required to obtain necessary approvals and comply with City requirements concerning installation of cabinets and infrastructure within rights-of-ways, and shall further be expected to cooperate with the City and affected residents concerning the location, screening and maintenance of such cabinets.