



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 18-4102, **Version:** 1

PROPOSED ORDINANCE

CABLE FRANCHISE AGREEMENT

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution provides in relevant part that a home rule unit "may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax . . ."; and

WHEREAS, Section 5/5-1095 of the Counties Code, 55 ILCS 5/5-1095, provides in relevant part that "The County Board may license, tax or franchise the business of operating a community antenna television system or systems within the County. . ."; and

WHEREAS, the Cook County Board of Commissioners ("County Board") adopted Ordinance 82-0-32 ("the Cook County Cable Television Ordinance" or "the Cable Ordinance"), to provide for the non-exclusive franchising and regulation of CATV Systems within Unincorporated Cook County; and

WHEREAS, Cook County seeks to provide cable Franchises and renewals in an equitable and nondiscriminatory manner, taking all relevant facts and circumstances into account, so as to allow all cable television Franchisees to provide service within Unincorporated Cook County on a fair and competitive footing; and

WHEREAS, Comcast of California/ Illinois, LLC; Comcast of Illinois VI, LLC; Comcast of California/ Colorado/ Illinois/ Indiana/ Michigan, LLC; Comcast of Illinois/ Indiana, LLC; Comcast of Illinois IV, Inc.; Comcast of Illinois/ West Virginia, LLC; and Comcast of Illinois/ Indiana/ Michigan, LLC ("Comcast") requested a new ten-year agreement for its various cable television franchise(s) to provide CATV Service in Cook County;

WHEREAS, Comcast has constructed and installed, and is currently maintaining and operating a CATV System in Unincorporated Cook County pursuant to its previous Franchise Agreement and Cable and Video Customer Protection Law, 220 ILCS 5/22-501 et seq.; and

WHEREAS, the Department of Revenue has reviewed Comcast's financial performance per the terms of the Cable Franchise Agreement and has indicated that Comcast has timely remitted its Franchise Fees in the amount of 5% of its gross revenue for the franchise area on an annual basis and will continue to provide the statutory maximum franchise fee under the terms of the agreement; and

WHEREAS, pursuant to of the Communications Act of 1934, 47 U.S.C. Section 541 Comcast is seeking and the parties have negotiated a new Cable Television Franchise Agreement; subsequently the Grantee and Cook County negotiated and reviewed the terms the new Franchise Agreement and extension/renewal terms pursuant to 47 U.S.C. Section 541 and 546 (h); and

WHEREAS, the County, having determined that Comcast's financial, legal, and technical abilities are reasonably sufficient to provide the services, facilities, and equipment necessary to meet the future cable-related needs of the community, desires to enter into this Franchise Agreement with Comcast for the construction, operation and maintenance of a Cable System on the terms and conditions set forth herein; and

WHEREAS, the term of the Franchise Agreement granted hereunder shall be ten (10) years from the date of execution, unless the Franchise Agreement is renewed or is lawfully terminated in accordance with the terms of this Franchise Agreement and/or applicable law; and

WHEREAS, the Franchise Fee provided to the County shall be at the statutory maximum which is 5% of Comcast's gross revenues in unincorporated Cook County; and

WHEREAS, the Franchise Agreement provides for a capital grant to the County for the life of the Franchise Agreement subject to the County's capital plan to assist in funding the equipment necessary to maintain the programming for the County's channel; this grant will be funded through a Public, Educational and Governmental (P.E.G.) Capital Fee of up to \$0.45 per month per subscriber for the life of the Franchise Agreement; and

WHEREAS, it is in the public interest to grant a new non-exclusive cable television franchise to Comcast in accordance with the terms of the Franchise Agreement presented herein.

NOW, THEREFORE, BE IT ORDAINED, under the authority of the Cable Act, the Illinois Constitution of 1970, including the County's home rule powers, and the Illinois Counties Code, as amended from time to time, the Cook County Board of Commissioners hereby authorizes the execution of a new ten year Cable Franchise Agreement with Comcast of California/ Illinois, LLC; Comcast of Illinois VI, LLC; Comcast of California/ Colorado/ Illinois/ Indiana/ Michigan, LLC; Comcast of Illinois/ Indiana, LLC; Comcast of Illinois IV, Inc.; Comcast of Illinois/ West Virginia, LLC; and Comcast of Illinois/ Indiana/ Michigan, LLC ; and

BE IT FURTHER ORDAINED, that the President be authorized to execute the Cable Franchise Agreement.

Effective date: This ordinance shall be in effect immediately upon adoption.