



City Council Report

Date: June 17, 2019
To: City Council
Through: Kari Kent, Assistant City Manager
From: Elizabeth Huning, City Engineer
Marc Ahlstrom, Assistant City Engineer
Subject: Adopt a Uniform Video Service License Agreement per Arizona Revised Statutes Title 9, Chapter 13 (Citywide)

Purpose and Recommendation

The purpose of this report is to request Council approval of a Uniform Video Service License Agreement to comply with recent changes to Arizona Revised Statutes (A.R.S.) Title 9, Chapter 13 relating to video service.

Staff recommends that Council authorize the City Manager to adopt the Uniform Video Service License Agreement and Application.

Background and Discussion

In May 2018, the Arizona State Legislature approved, and the Governor signed into law House Bill 2229, which amended Title 9, Chapter 13 of the Arizona Revised Statutes relating to video services. State statute now requires that local governments adopt a standard form of video service license agreement by July 1, 2019, which video service providers may elect to accept on or after January 1, 2020.

The Uniform Video Service License Agreement and Application is intended to comply with changes to State Law. State Law is specific on what can and cannot be included in the License.

Key points include:

- Local governments may require not more than two channels of public, educational or governmental access programming in the basic service tier of the video service network and not more than two channels of noncommercial governmental programming, at least one of which may be programmed by the Federal Government.
- Cable license enforcement is now handled at the State level by the Office of Administrative Hearings. Local governments no longer have the authority to resolve subscriber and service complaints. A subscriber may submit complaints

about video service to the Attorney General or Federal Communications Commission (FCC).

- Local governments may not audit any period that ends more than three years before the date that the notice of audit is received.
- Local governments may not levy a tax, rent, fee, or charge, however denominated, on a video service provider for the use of the highways to provide video service.

The Uniform Video Service License Agreement was drafted in cooperation with industry stakeholders, a working group of Arizona municipalities, and the League.

Alternatives

City Council could choose not to adopt the Uniform Video Service License Agreement and Application. This is not recommended because the City of Mesa would not be in compliance with State Law.

Fiscal Impact

There is no fiscal impact to the City with the adoption of the Uniform Video Service License Agreement and Application.

Coordinated With

The Uniform Video Service License Agreement was coordinated with the City Attorney's Office and Public Information and Communication's Office.