



Meeting Date: January 10, 2022  
Agenda Item No:

<b><u>Kitsap County Board of Commissioners</u></b>			
<b>Office/Department:</b>		Information Services	
<b>Staff Contact &amp; Phone Number:</b>		Craig Adams (337-4946)/George Geyer (337-4404)	
<b>Agenda Item Title:</b>		Ordinance No. 444-2010 Amendment	
<b>Recommended Action:</b> Move that the Kitsap County Board of Commissioners adopt the Ordinance amendment concerning extending the term of the franchise agreement for one (1) additional year.			
<b>Summary:</b>	The County held a public hearing on January 10, 2022 to discuss amending Ordinance No. 444-2010 is to allow the County additional time to negotiate a new franchise agreement.		
<b>Attachments:</b>	3 originals of Ordinance No. 444-2010 amendment		
<b>Fiscal Impact for this Specific Action</b>			
<b>Expenditure required for this specific action:</b>		N/A	
<b>Related Revenue for this specific action:</b>		Fee Income into General Fund	
<b>Cost Savings for this specific action:</b>		N/A	
<b>Net Fiscal Impact:</b>		Fee Income into General Fund	
<b>Source of Funds:</b>		Cable Franchise Ordinance	
<b>Fiscal Impact for Total Project</b>			
<b>Project Costs:</b>		N/A	
<b>Project Costs Savings:</b>		N/A	
<b>Project Related Revenue:</b>		N/A	
<b>Project Net Total:</b>		N/A	
<b><u>Fiscal Impact (DAS) Review</u></b>			
<b>Departmental/Office Review &amp; Coordination</b>			
<b>Department/Office</b>	<b>Elected Official/Department Director</b>		
Information Services	Craig Adams		
<b>Contract Information</b>			
<b>Contract Number</b>	<b>Date Original Contract or Amendment Approved</b>	<b>Amount of Original Contract Amendment</b>	<b>Total Amount of Amended Contract</b>
Ord No. 444-2010	January 11, 2010		
Ord No. 585-2019	December 9, 2019		
Ord No. 591-2021	January 11, 2021		

**ORDINANCE NO. \_\_\_\_ - 2022**

**An Ordinance Amending Kitsap County Ordinance No. 444-2010  
Extending the Cable Television System Franchise Term Date**

**WHEREAS**, on October 24, 1994, the Kitsap County Board of County Commissioners (“County”) adopted Ordinance No. 166-1994, granting a 15-year, non-exclusive cable television franchise to Falcon Cable Television;

**WHEREAS**, Wave Division IV, LLC (“Wave”) is the franchisee successor in interest under Franchise Ordinance No. 166-1994;

**WHEREAS**, on January 11, 2010, the County adopted Ordinance No. 444-2010, renewing the cable television franchise with Wave until January 10, 2020;

**WHEREAS**, on July 19, 2017, the County and Wave agreed to proceed under the informal renewal process set forth in Section 626(h) of the Cable Act, 47 U.S.C. §546(h) and that the County would commence a community needs ascertainment and past performance proceedings as required by 47 U.S.C. §546(a)(1).

**WHEREAS**, on December 9, 2019, the County and Wave agreed to extend the term of the cable franchise to January 10, 2021.

**WHEREAS**, on January 11, 2021, the County and Wave agreed to extend the term of the cable franchise to January 10, 2022.

**WHEREAS**, the County needs additional time to negotiate a new agreement, the County wishes to extend the term of the cable television franchise to January 10, 2023; and

**WHEREAS**, the County has conducted a public hearing as provided in RCW 36.55.040-050 and concluded that it is in the public interest to extend the term of the franchise.

**NOW THEREFORE BE IT ORDAINED** by the Kitsap County Board of Commissioners:

Section 1. Exhibit A (Cable Television Franchise) to the Ordinance No. 444-2010, adopted on January 11, 2010 is amended as follows:

2.3 Term: The Franchise shall have a term of thirteen years (13) years, effective on January 11, 2010, and terminating on 10 January 2023.

Section 2. This ordinance shall be effective immediately and shall not be codified.

Section 3. If any provision of this ordinance or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provision to other persons, entities or circumstances, shall not be affected.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

**BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON**

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**EDWARD E. WOLFE**, Chair

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**CHARLOTTE GARRIDO**, Commissioner

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**ROBERT GELDER**, Commissioner

ATTEST:

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**DANA DANIELS**, Clerk of the Board

APPROVED AS TO FORM:

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**Kasi M. Walker**,  
Deputy Prosecuting Attorney