



Meeting Date:
Agenda Item No:

Kitsap County Board of Commissioners			
Office/Department: Information Services Staff Contact: George Geyer Agenda Item Title: KC-010-11-C Comcast – Cable Television Franchise Agreement			
Recommended Action: Move that the Board of County Commissioners approve the resolution and execute the amendment to the cable franchise agreement with Comcast Cable Communication Management, LLC, KC 010-11			
Summary:		<p>Chapter RCW 36.55 requires that a franchise be granted via a resolution after a public hearing. To comply with the RCW, the County will amend the franchise via a resolution. The amendment will extend the term of the agreement with Comcast one (1) additional year to allow the County more time to negotiate a new franchise agreement. The amendment also deletes a section of the franchise that is now preempted by an FCC order and federal appellate court ruling.</p> <p>Further, the Comcast franchise was originally approved as a contract. The County will also amend the contract to reflect the change in term and the deletion of the section.</p>	
Attachments:		1. Contract Review Sheet 2. Amendment 3. Resolution	
Fiscal Impact for this Specific Action			
Expenditure required for this specific action:		NA	
Related Revenue for this specific action:		Fee income into General Fund	
Cost Savings for this specific action:		NA	
Net Fiscal Impact:		Fee Income into General Fund	
Source of Funds:		Cable Franchise	
Fiscal Impact for Total Project			
Project Costs:		NA	
Project Costs Savings:		NA	
Project Related Revenue:		NA	
Project Net Total:		NA	
Office/Department Review & Coordination			
Office/Department		Elected Official/Department Director	
Information Services		Craig Adams	
Contract Information			
Contract Number	Date Original Contract or Amendment Approved	Amount of Original Contract Amendment	Total Amount of Amended Contract
KC 010-11	5/9/2011	Fee Income	
KC 010-11-A	7/11/2016	Fee Income	
KC 010-11-B	5/10/2021	Fee Income	
KC 010-11-C	Pending	Fee Income	



Kitsap County
CONTRACT REVIEW SHEET
(Chapter 3.56 KCC)

A. CONTRACT INFORMATION <i>(for Contract Signing Authority, see KCC 3.56.075)</i>			
1. Contractor	Comcast Cable Communication Management, LLC		
2. Purpose	Cable Television Franchise Amendment		
3. Contract Amount	Fee Income	Disburse	<input type="checkbox"/> Receive <input checked="" type="checkbox"/>
4. Contract Term	Extend through May 13, 2023		
5. Contract Administrator	George Geyer	Phone	360-337-4404
Approved:		Date	
Department Director			
B. AUDITOR – Accounting Information			
1. Contract Control No.	KC-010-11-C		
2. Fund Name	Cable Franchise		
3. Payment from-Revenue to CC/Account No.	9251.3160.46 (Franchise) 1791.3690.90 (PEG)		
Reviewer		Date	
5. Comments			
C. AUDITOR – Grant Review <i>Signature only required if grant funded contract</i>			
1. <input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Reviewer	Date
2. Comments			
D. ADMINISTRATIVE SERVICES – Risk Manager Review			
1. <input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Reviewer	Date
2. Comments			
E. ADMINISTRATIVE SERVICES – Budget Manager Review <i>Signature required if \$50,000 or more OR if signed by Board of Commissioners (regardless of dollar amount)</i>			
1. <input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Reviewer	Date
2. Comments			
F. HUMAN RESOURCES – Human Resources Director Review <i>Signature only required if union or employment contract</i>			
1. <input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Reviewer	Date
2. Comments			
G. INFORMATION SERVICES – Information Services Director Review <i>Signature only required if technology contract</i>			
1. <input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Reviewer	Date
2. Comments			
H. PROSECUTING ATTORNEY			
1. <input type="checkbox"/> Approved as to Form	<input type="checkbox"/> Not Approved as to Form	Reviewer	Date
2. Comments			

Date Approved by Authorized Contract Signer:

RETURN SIGNED ORIGINALS TO:

Date _____
Lee Reyes @ MS- 7

KC-010-11 C

THIRD CABLE TELEVISION FRANCHISE AGREEMENT AMENDMENT

This Cable Television Franchise Agreement Amendment ("Amendment") is made and entered into by and between Kitsap County, a municipal corporation, with its principal offices at 614 Division Street, Port Orchard, Washington 98366, ("County"), and Comcast Cable Communication Management, LLC, a Delaware corporation, with its principal offices at 900 132nd Street SW Everett, Washington, as a successor-in- interest to Comcast of California/Colorado/Washington, LP and Comcast of Washington IV, Inc. ("Grantee").

RECITALS

Grantee was granted a nonexclusive franchise to operate and maintain a cable communications system within unincorporated areas of Kitsap County;

Grantee's cable franchise is due to expire on May 13, 2022; and

The County is in the process of negotiating and preparing a cable franchise agreement with Grantee and that will extend beyond May 13, 2022.

Now Therefore:

In consideration of the mutual benefits and covenants contained herein, the parties agree that their Franchise Agreement, executed on May 9, 2011 and amended on August 18, 2016 and May 12, 2021, shall be amended as follows:

1. Section 2.3 - Term: The Franchise shall have a term of twelve (12) years, effective on May 14, 2011, and terminating on May 13, 2023.
2. Section 8.6 is deleted in its entirety.

Counterparts. This Franchise Amendment may be executed in several counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement.

Except as expressly provided in this Franchise Amendment, all other terms and conditions of the original Franchise, and any subsequent amendments, addenda, or modifications thereto, remain in full force and effect.

Neither party waives any right which it enjoys under law as a result of agreeing to this Franchise extension.

[Remainder of page intentionally left blank; signature page to follow]

This amendment shall be effective upon execution by the parties.

DATED this ____ day of _____, 2022.

**COMCAST CABLE COMMUNICATIONS
MANAGEMENT, LLC.**

Signature

Name

Title

DATED this ____ day of _____, 2022.

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

EDWARD E. WOLFE, Chair

CHARLOTTE GARRIDO, Commissioner

ROBERT GELDER, Commissioner

Attest:

DANA DANIELS, Clerk of the Board

RESOLUTION NO. ____ - 2022

**GRANTING AN EXTENSION OF THE CABLE TELEVISION SYSTEM FRANCHISE
AGREEMENT WITH COMCAST CABLE COMMUNICATION MANAGEMENT, LLC**

WHEREAS, on May 9, 2011, the Kitsap County Board of County Commissioners (“County”) approved contract KC 010-11, granting a 5-year, non-exclusive cable television franchise to Comcast Cable Communication Management, LLC (“Comcast”), a Delaware corporation, with its principal offices at 900 132nd Street SW Everett, Washington, as a successor-in interest to Comcast of California/Colorado/Washington, LP and Comcast of Washington IV, Inc.

WHEREAS, on July 11, 2016, the County approved an Amendment to contract KC-010-11, renewing the cable television franchise with Comcast until May 13, 2021;

WHEREAS, on May 10, 2021, the County approved an Amendment to contract KC-010-11, renewing the cable television franchise with Comcast until May 13, 2022;

WHEREAS, the County and Comcast have 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, the County needs additional time to negotiate a new franchise agreement with Comcast, the County wishes to extend the term of the cable television franchise to May 12, 2023;

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 RESOLVED BY THE KITSAP COUNTY BOARD OF COMMISSIONERS:

1. The County will grant a one (1) year extension of the cable television franchise agreement to May 12, 2023, upon execution of a contract amendment.
2. Section 8.6 in the franchise is deleted in its entirety.

[Remainder of page intentionally left blank; signature page to follow]

ADOPTED this ____ day of _____ 2022.

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

EDWARD E. WOLFE, Chair

CHARLOTTE GARRIDO, Commissioner

ROBERT GELDER, Commissioner

ATTEST:

DANA DANIELS,
Clerk of the Board

APPROVED AS TO FORM:



KASI M. WALKER, Deputy
Prosecuting Attorney