

RESOLUTION NO. 20-12

CITY OF LEXINGTON

**RESOLUTION IN SUPPORT OF
THE PROTECTING COMMUNITY TELEVISION ACT**

WHEREAS, the City of Lexington is a member of the North Metro Telecommunications Commission (the "Commission"), a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59, as amended, and includes the municipalities of Ham Lake, Spring Lake Park, Blaine, Lexington, Circle Pines, Centerville and Lino Lakes, Minnesota (collectively the "Member Cities");

WHEREAS, the Commission negotiates and manages the cable franchises agreements of the Member Cities and operates North Metro TV, the local community public educational and governmental ("PEG") access facility on behalf of the Member Cities;

WHEREAS, North Metro TV provides coverage of local events, such as local high school sporting events and most government meetings that local broadcast stations (i.e. WCCO, KSTP, KMSP, and KARE) typically will not cover and in light of a rapidly decreasing print media, North Metro TV is the principal, and may soon be the sole, source for local residents to have access to coverage of local events;

WHEREAS, North Metro TV is funded through franchise fee and PEG fee revenues negotiated in the cable franchise agreements;

WHEREAS, the Member Cities require, as part of the cable franchise agreements, that cable companies meet demonstrated community needs by providing non-monetary in-kind contributions that benefit the Member Cities, local schools, public safety buildings, as well as North Metro TV;

WHEREAS, in 1984 Congress defined a franchise fee as a "tax, fee, or assessment" and, for the past 35 years, it has been solely a monetary fee;

WHEREAS, last year the FCC departed from the clear language of the Cable Act and ruled that a franchise fee is both a monetary and non-monetary fee and permits cable companies to unilaterally assign a value to the non-monetary in-kind contributions and then subtract that amount from the franchise fees the cable operator pays the local community;

WHEREAS, the FCC order results in decreased vital funding to the Member Cities and North Metro TV;

WHEREAS, the *Protect Community Television Act* (currently S. 3218/HR 5659) has been introduced in Congress and its goal is to maintain the status quo by reversing the FCC order

and allowing franchise fees to be calculated as they have been for over 35 years as monetary only fees; and

WHEREAS, this legislation is supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the Minnesota League of Cities, and NATOA.

NOW, THEREFORE, BE IT RESOLVED that the City calls on Congress to pass legislation, such as the *Protect Community Television Act*, which would undo the FCC's action; and

BE IT FURTHER RESOLVED that the City urges all House members and Senators from Minnesota to cosponsor the *Protect Community Television Act*; and

Adopted by a unanimous vote of the Lexington City Council this of 7th day of May, 2020.



Bill Petracek, City Administrator



Mike Murphy, Mayor