



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: February 18, 2020

Title: Uniform Video Service License Agreement & Application Resolution

Introduction/Background:

Arizona Senate Bill 1140 and House Bill 2229 establish a new state-wide uniform video service license agreement, thereby requiring local governments to adopt new forms.

Discussion:

These forms were developed based on new legislature requirements, with the combined review of Pima County Attorney's Office, Information Technology, Real Property, and Transportation departments.

Conclusion:

These forms were developed in compliance with new Arizona Legislature requirements.

Recommendation:

Recommend that the Board of Supervisors approve the Resolution, the Application and Affidavit for Uniform Video Service License and the Uniform Video Service License Agreement, including authorizing the County's Chief Information Officer to sign future Uniform Video Service License Agreements on behalf of the County.

Fiscal Impact:

None

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Public Works Telephone: _____

Contact: Sandi J. Garrick Telephone: (520) 724-6710

Department Director Signature/Date: [Signature] 2/11/2020

Deputy County Administrator Signature/Date: [Signature] 2/11/2020

County Administrator Signature/Date: [Signature] 2/12/2020

RESOLUTION NO. 2020-____

**A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
RELATING TO CABLE COMMUNICATIONS; ADOPTING THE
UNIFORM VIDEO SERVICE LICENSE AGREEMENT AND THE
APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE
LICENSE.**

The Board of Supervisors of Pima County, Arizona finds:

1. The Arizona Legislature adopted Senate Bill 1140 (Laws 2018, Chapter 331) and House Bill 2229 (Laws, 2019, Chapter 76), now codified in the Arizona Revised Statutes at Title 11, Chapter 14 (the "Licensing Statute").
2. The Licensing Statute preempts existing county regulation of cable operators (now called *video service providers*) except in situations where an incumbent cable operator with an existing license opts to keep its old license.
3. The Licensing Statute establishes a new state-wide uniform video service license agreement and prescribes its form.
4. The Licensing Statute also prescribes the form of the application for the uniform video service license agreement and requires that the application be accompanied by an affidavit signed by one of the principle executive officers or general partners of the applicant.
5. The Licensing Statute requires the Board of Supervisors to adopt the uniform video service license agreement and the application and affidavit.

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The Uniform Video Service License Agreement in the form attached to this resolution as Exhibit 1 is hereby adopted.

SECTION 2. The Application and Affidavit for Uniform Video Service License in the form attached to this resolution as Exhibit 2 is hereby adopted.

SECTION 3. The County's Chief Information Officer is authorized to sign the Uniform Video Service License Agreement on behalf of the County.

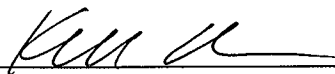
Passed and adopted, this ____ day of _____, 20____.

Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Deputy County Attorney
KELL OLSON

**Uniform Video Service License Agreement
(Exhibit 1 to Resolution 2020-__)**

This Uniform Video Service License Agreement ("License") is made on the date of issuance hereof by and between Pima County, a body politic of the State of Arizona ("Licensor") and _____, a _____ ("Licensee").

WHEREAS, Licensee has filed a completed application and affidavit under Title 11, Chapter 14, Arizona Revised Statutes ("Licensing Statute"), for a Uniform Video Service License from Licensor; and

WHEREAS, Licensee is authorized under the laws of the State of Arizona to provide Video Service as defined by A.R.S. § 11-1901(27).

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated herein, and the mutual covenants set forth herein, the Parties agree as follows:

1. Definitions. Capitalized terms that are not defined herein have the same meaning prescribed in the Licensing Statute, including A.R.S. Section 11-1901.

2. Licensee Information. The following appear on Exhibit A attached hereto and are incorporated herein by this reference:

2.1. The name of Licensee, its type of entity and its jurisdiction of formation.

2.2. The address and telephone number of Licensee's principal place of business.

2.3. The names, titles and addresses of Licensee's principal executive officers or general partners.

2.4. The names, titles, telephone and fax numbers and email addresses of any persons authorized to represent Licensee before Licensor.

3. Grant of License. Under the Licensing Statute, Licensor hereby issues to Licensee, and Licensee hereby accepts from Licensor, a nonexclusive Uniform Video Service License as follows:

3.1. Licensee is authorized to provide Video Service in the Service Area, the boundaries of which are described on Exhibit B, attached hereto and incorporated herein by this reference.

3.2. Subject to laws of this state and the police powers of the County, Licensor grants Licensee authority to use and occupy Highways within the Service Area for the delivery of Video Service as authorized by Section 3.1 above.

4. Licensee Compliance with Law. Licensee shall comply with and be subject to:

4.1. All valid and enforceable federal and state laws.

4.2. All generally applicable, nondiscriminatory Local Laws, including highway use, mapping, insurance, performance bonds, security fund, indemnification, letter of credit or similar requirements that apply to the use and occupation of any highway and that conform to the Licensing Statute.

4.3. All public, education and government programming requirements of the Licensing Statute.

4.4. All customer service rules of the Federal Communications Commission under 47 Code of Federal Regulations Section 76.309(c) applicable to Cable Operators.

4.5. All consumer privacy requirements of 47 United States Code Section 551 applicable to Cable Operators.

5. Commencement of Video Service; Revocation. If Licensee is an incumbent cable operator, Licensee shall begin to provide Video Services under this License on the date of issuance of this license. If Licensee is not an incumbent cable operator, Licensee shall provide video service to at least one subscriber within each service area authorized by this License not later than twenty-four months after the date of issuance of this License. Failure of a non-incumbent cable operator to provide video service to at least one subscriber within each service area as set forth above shall result in revocation of this License unless the Licensee establishes to the satisfaction of the Licensor that such failure was for reasons beyond the Licensee's control.

6. License Fee. Licensee is required to pay the License Fees required under the Licensing Statute and all other lawful fees, taxes and charges imposed by Licensor. The initial rate of the License Fee shall be five (5) percent.

7. Federal Filing Requirement. Licensee is required to file in a timely manner with the Federal Communications Commission all forms required by that agency before Licensee offers Video Service in the Service Area, including the forms required by 47 Code of Federal Regulations Section 76.1801.

8. Term. The term of this License is ten (10) years and begins on the date of issuance set forth below.

9. Compliance with Licensing Statute. Licensors and Licensees agree that they are subject to and must comply with the Licensing Statute.

10. Conflict of Interest. This License is subject to the conflict of interest provisions of A.R.S. Section 38-511.

Issued this ____ day of _____, 20__.

Licensors

Pima County, a body politic of the State
of Arizona

By: _____
Chief Information Officer

Date: _____

Licensee

[Name & state of incorporation]

By : _____
Its: _____

Date: _____

APPROVED AS TO FORM:

Deputy County Attorney

STATE OF ARIZONA)
) ss.
County of Pima)

The foregoing instrument was acknowledged before me this ____ day
of _____, 20__ by _____, the _____ of _____,
a _____ on behalf of Licensee.

(Seal)

Notary Public

EXHIBIT A
[Information about Licensee]

I. Licensee:

Date:		
Applicant's Name:		
Principal Place of Business		
Phone:	Address:	
City:	State:	Zip:
Type of Entity:	Jurisdiction of Formation:	Email:

II. Licensee's principal executive officers or general partners:

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

III. Person(s) authorized to represent Licensee before County:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

EXHIBIT B
[Service Area]

APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE
(Pursuant to Title 11, Chapter 14, Arizona Revised Statutes)
(Exhibit 2 to Resolution 2020-__)

County: Pima County, a body politic of the State of Arizona

I. Applicant:

Date:		
Applicant's Name:		
Principal Place of Business:		
Phone:	Address:	
City/Town:	State:	Zip:
Type of Entity:	Jurisdiction of Formation:	Email:

II. Applicant's principal executive officers or general partners:

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

Name:	Title:
Address:	

III. Person(s) authorized to represent Applicant before Local Government:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

Name:	Title:	
Address:		
Phone:	Fax:	Email:

IV. Check one pursuant to Arizona Revised Statutes Section 9-1411(C)(4):

- ☐ Applicant is an Incumbent Cable Operator as provided in Arizona Revised Statutes, Section 11-1901(13).
- ☐ Applicant is not an Incumbent Cable Operator. The date on which the Applicant expects to provide Video Services in the Service Area identified below under Section 11-1911(C)(5) is:

Date:

V. For All Applications:

- A. Applicant will timely file with the Federal Communications Commission all forms required by that agency before Applicant offers Video Service in the Service Area, including the forms required by 47 Code of Federal Regulations Section 76.1801.
- B. The term of the uniform video service license shall be (not to exceed ten years):

Years

- C. Applicant agrees to pay all lawful fees and charges imposed by County as provided in Arizona Revised Statutes, Sections 11-1914(B)(4), 11-1942, and 11-1943.
- D. Applicant agrees to notify County in writing of changes to the above information within thirty days after the change occurs as required by Arizona Revised Statutes, Section 11-1914(B)(2).
- E. Provide an exact description of the Service Area to be served as required by Arizona Revised Statutes, Section 11-1911(C)(5), and as identified by a geographic information system digital boundary meeting or exceeding national map accuracy standards.

Select one:

- ☐ The Service Area consists of all the territory within the boundaries of the County
- ☐ The Service Area consists of all the territory within the area described on attached Exhibit A.

Applicant Verification

I certify that the information contained in this application for a video service license in Pima County is true and correct. I further affirm that I am authorized by _____ [NAME OF APPLICANT] to file this application on behalf of applicant and to bind the applicant with respect to the representations made in Section V, Paragraphs A through D of this application. A copy of the authorization is attached to this application.

Name and Title (printed):

Signature:

Date:

County Receipt

The foregoing Application and Affidavit for Uniform Video Service License was received by Pima County this _____ day of _____, 20____; at _____.

**PIMA COUNTY, a body politic of the State of
Arizona ("County")**

By: _____

Clerk of the Board of Supervisors
130 W. Congress, 5th Floor.
Tucson, Arizona 85701
Office: (520)724-8449
Fax: (520) 222-0448
Email: COB_mail@pima.gov

Exhibit A
(Description of Service Area)