



## CITY of NOVI CITY COUNCIL

**Agenda Item B**  
**December 21, 2015**

**SUBJECT:** Approval to adopt Resolution Approving Amendment to Agreement for Multi-Jurisdictional Administration of Cable Television Franchise in order to extend the date for filing a Notice of Withdrawal from January 1 of any year to April 1 of any year.

**SUBMITTING DEPARTMENT:**

**CITY MANAGER APPROVAL:** *OK*

**BACKGROUND INFORMATION:**

The Cities of Farmington, Farmington Hills, and Novi are parties to a certain "Agreement for Multi-Jurisdictional Administration of a Cable Television Franchise," initially approved in 1983 and amended and restated in 2011. The Multi-Jurisdictional Agreement created the Southwestern Oakland Cable Commission, more commonly known as SWOCC. Among the main purposes of the creation of SWOCC was the three communities' intention to engage in the joint negotiation and administration of the franchise agreements that each community had with Bright House Cable (and its various predecessors dating back to 1983).

On September 14, 2015, the City of Novi passed a Resolution asking Farmington and Farmington Hills, to consider invoking the cancellation provisions of the Multi-Jurisdictional Agreement, for reasons outlined in the Resolution by joint agreement of all three cities. Under the Agreement, the three cities can decide to dissolve SWOCC at any time, and there is no period of notice for doing so. The Agreement also includes a separate process for one city to "withdraw" from SWOCC. In that event, the withdrawing city must give notice of its intent to withdraw by January 1<sup>st</sup> of any year, and such withdrawal would be effective six months later, on July 1 of that year.

Farmington and Farmington Hills are still reviewing their options with regard to dissolution by agreement of the parties. In the meantime, the date for deciding whether to unilaterally withdraw is approaching.

On November 24, 2015 SWOCC met and unanimously recommended to the three cities that the Agreement be amended to extend the date for one city to give notice of an intent to withdraw from the current January 1 date to April 1. The intention was to give the three cities more time to review the concept of dissolution by agreement.

An amendment to the Multi-Jurisdictional Agreement requires approval of all three cities. All three cities are therefore being asked to adopt a version of the attached Resolution extending that date before January 1, 2016.

**RECOMMENDED ACTION:** Adoption of Resolution Approving Amendment to Agreement for Multi-Jurisdictional Administration of Cable Television Franchise in order to extend the date for filing a Notice of Withdrawal from January 1 of any year to April 1 of any year.

|                      | 1 | 2 | Y | N |
|----------------------|---|---|---|---|
| Mayor Gatt           |   |   |   |   |
| Mayor Pro Tem Staudt |   |   |   |   |
| Council Member Burke |   |   |   |   |
| Council Member Casey |   |   |   |   |

|                        | 1 | 2 | Y | N |
|------------------------|---|---|---|---|
| Council Member Markham |   |   |   |   |
| Council Member Mutch   |   |   |   |   |
| Council Member Wrobel  |   |   |   |   |

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION APPROVING AMENDMENT TO AGREEMENT FOR MULTI-JURISDICTIONAL ADMINISTRATION OF CABLE TELEVISION FRANCHISE**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers \_\_\_\_\_

ABSENT: Councilmembers \_\_\_\_\_

The following preamble and Resolution were offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_.

**WHEREAS**, the Cities of Farmington, Farmington Hills, and Novi are parties to a certain "Agreement for Multi-Jurisdictional Administration of a Cable Television Franchise," initially approved in 1983 and amended and restated in 2011. The Multi-Jurisdictional Agreement created the Southwestern Oakland Cable Commission, more commonly known as SWOCC. Among the main purposes of the creation of SWOCC was the three communities' intention to engage in the joint negotiation and administration of the franchise agreements that each community had with Bright House Cable (and its various predecessors dating back to 1983).

**WHEREAS**, in 2015, Bright House decided to make use of the State of Michigan's Uniform Video Service Local Franchise law and Agreement, which requires little or no negotiation on subsequent administration requirements. In August, 2015, all three communities were required to, and did, approve that Uniform Agreement with Bright House for a 10-year term.

**WHEREAS**, On September 14, 2015, the City of Novi passed a Resolution asking Farmington and Farmington Hills, to consider invoking the cancellation provisions of the Multi-Jurisdictional Agreement set forth at Article VI, which provides in full as follows:

VI

Cancellation of the Agreement

- A. Any Municipal Corporation may withdraw from this Agreement at any time; provided, however, that any withdrawal shall be effective only on June 30<sup>th</sup> of any

given year and shall be preceded by written notice of withdrawal delivered to SWOCC by registered or certified mail not later than January 1<sup>st</sup> of the year the cancellation is to be effective.

- B. In the event that any Municipal Corporation desires to withdraw from this Agreement, the provisions of this Agreement relative to auditing, distribution and expenditure of funds shall continue in effect until the final settlement has been made of all monies collected for the purpose of the administration of local access cable television for the withdrawing Municipal Corporation prior to the effective date of such withdrawal.
- C. SWOCC may be dissolved by two-thirds (2/3) of the parties to this Agreement, and in such event, SWOCC shall liquidate or transfer the assets of SWOCC to any successor organization. In the case where a successor organization is not established, the assets of the Corporation shall be distributed to the Municipal Corporations in proportion to each Municipal Corporation's population to the population of all the participating Municipal Corporations.

**WHEREAS**, Novi's September 14, 2015, Resolution asked for dissolution by mutual agreement under Subparagraph C. However, both Farmington and Farmington Hills are still reviewing their options with regard to dissolution.

**WHEREAS**, All three communities would like additional time to review and consider their options for possible cancellation under Article VI.

**WHEREAS**, Article VII of the Multi-Jurisdictional Agreement relates to amendments to the Agreement and provides as follows:

VII  
Amendments

Upon recommendation of SWOCC, this Agreement may be amended by action by the governing bodies of all municipal corporations which are party hereto.

**WHEREAS**, on November 24, 2015, SWOCC met and discussed the options for cancellation under Article VI. The Board acknowledged that the time for Novi to determine whether to issue a Notice of Withdrawal would occur before all three of the communities had an opportunity to discuss whether and how to dissolve SWOCC under Subparagraph C of the Agreement. Therefore, SWOCC passed a motion that: (a) recommended that the January 1<sup>st</sup> date for submitting a Notice of Withdrawal under Subparagraph A be amended by agreement of the three communities and extended

to April 1<sup>st</sup>; and (b) recommended that the three communities work toward the preparation of an Agreement for Dissolution of SWOCC and cancellation of the Agreement effective March 31, 2015.

**NOW, THEREFORE, IT IS RESOLVED** that the City Council of the City of Novi approves the amendment of Article VI, Cancellation of the Agreement, Subparagraph A, to change the date by which a Notice of Withdrawal from the Multi-Jurisdictional Agreement by any municipal corporation be delivered to SWOCC from January 1<sup>st</sup> to April 1<sup>st</sup>. In all other respects, the Multi-Jurisdictional Agreement will remain unchanged.

**AYES:**

**NAYS:**

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2015, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

\_\_\_\_\_  
Maryanne Cornelius, City Clerk  
City of Novi