

**RESOLUTION NO. 2019-12**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, APPROVING AND ADOPTING THE MODEL UNIFORM VIDEO SERVICE LICENSE AGREEMENT AND APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE.**

WHEREAS, during its Second Regular Session, the Fifty-Third Legislature in 2018 through Senate Bill 1140 (codified as A.R.S. § 9-1401 et seq.) amended Title 9, Arizona Revised Statutes by adding Chapter 13, amending A.R.S. § 41-1092.01 relating to video and cable service providers; and


WHEREAS, A.R.S. § 9-1402 establishes the licensing of video service providers and the regulation and use of video service as matters of statewide concern, and preempts further regulation by a local government; and

WHEREAS, A.R.S. § 9-1411 requires each local government in Arizona, on or before July 1, 2019, to adopt a standard form of uniform video service license agreement and application and affidavit to be used by video service providers; and

WHEREAS, the League of Arizona Cities and Towns has prepared and distributed a Model Uniform Video Service License Agreement and Application and Affidavit for Uniform Video Service License Agreement (copies of which are attached hereto and made part of this Resolution as Exhibits A and B) for consideration and approval by local governing bodies.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF SEDONA, ARIZONA, that the City of Sedona, through its Mayor and Council, hereby approves and adopts the Model Uniform Video Service License Agreement and the Application and Affidavit for Uniform Video Service License.


PASSED AND ADOPTED this 25<sup>th</sup> day of June, 2019 by the Mayor and Council of the City of Sedona, Arizona.

  
\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney

**Exhibit A**

**Model Uniform Video Service License Agreement**

Model Uniform Video Service License Agreement

Date of Issuance: \_\_\_\_\_

This Uniform Video Service License Agreement ("License") is made on the date of issuance hereof by and between the City of Sedona, an Arizona municipal corporation ("Licensor") and \_\_\_\_\_, a \_\_\_\_\_ ("Licensee").

WHEREAS, Licensee has filed a completed application and affidavit under Title 9, Chapter 13, Arizona Revised Statutes ("Licensing Statute"), for Licensor to issue a Uniform Video Service License to Licensee; and

WHEREAS, Licensee is authorized under the laws of the State of Arizona to provide Cable Service.

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 9-1401.

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.

3.1 The Service Area in which this License authorizes Licensee to provide Video Service in the area described on Exhibit B attached hereto and incorporated herein by this reference.

3.2 Licensor grants Licensee authority in the delivery of Video Service to use and occupy, and to construct and operate a Video Service Network in, Highways in the Service Area in compliance with the Licensing Statute and this License.

3.3 Licensee may operate and maintain facilities installed in the Highways in the Service Area to provide services pursuant to and subject to all the following: A.R.S. Section 9-584 and A.R.S. Title 9, Chapter 5.

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 City/Town 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 Licensors. 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 shall begin on the date of issuance.

9. Compliance with Law. Licensors and Licensee agree that they are subject to and must comply with the Licensing Statute. This License is subject to A.R.S. Section 38-511.

**Licensors**

**Licensee**

City of Sedona, an Arizona municipal corporation

By: \_\_\_\_\_

Sandra J. Moriarty, Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert L. Pickels, Jr., City Attorney

STATE OF \_\_\_\_\_ )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, the \_\_\_\_\_ of  
\_\_\_\_\_, a \_\_\_\_\_ on behalf of Licensee.

(Seal) \_\_\_\_\_  
Notary Public

STATE OF ARIZONA )  
 ) ss.  
County of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_, Mayor of the City of Sedona, an  
Arizona municipal corporation, on its behalf.

(Seal) \_\_\_\_\_

**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 Local Government:**

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

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

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

EXHIBIT B  
[Service Area]

**Exhibit B**

**Application and Affidavit for Uniform Video Service License**



**APPLICATION AND AFFIDAVIT FOR UNIFORM VIDEO SERVICE LICENSE**  
(Pursuant to Title 9, chapter 13, Arizona Revised Statutes)

**Local Government:** City of Sedona

**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 9-1401(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 9-1411(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
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**C. Applicant agrees to pay all lawful fees and charges imposed by Local Government as provided in Arizona Revised Statutes, Section 9-1414(B)(4).**

**D. Applicant agrees to notify Local Government in writing of changes to the above information within thirty days after the change occurs as provided in Arizona Revised Statutes, Section 9-1414(B)(2).**

**E. Provide an exact description of the Service Area as set forth in Arizona Revised Statutes, Section 9-1411(C)(5), 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 Local Government:**

**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 the City of Sedona 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.

<i>Name and Title (printed):</i>	
<i>Signature:</i>	<i>Date:</i>

**Local Government Receipt**

The foregoing Application and Affidavit for Uniform Video Service License was received by Local Government this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_; at \_\_\_\_\_.

**City of Sedona, an Arizona municipal corporation (“Local Government”)**

\_\_\_\_\_  
By

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Fax

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date