

MINUTES OF THE PUBLIC HEARING

Public Hearing pursuant to the Cable communications Policy Act of 1984 on the contemplated renewal of Comcast of Illinois XII, LLC's cable television franchise within the Village of Gurnee.

**GURNEE VILLAGE HALL
APRIL 19, 2021**

Call to Order

Mayor Kovarik called the public hearing to order at 6:45 p.m.

Other Officials in Attendance

Patrick Muetz, Village Administrator; Bryan Winter, Village Attorney; Heather Galan, Acting Public Works Director/Village Engineer; Brian Gosnell, Finance Director; Ellen Dean, Economic Development Director; Jack Linehan, Assistant to the Administrator

Roll Call

PRESENT: 6-Thorstenson, Ross, Garner, O'Brien, Balmes, Hood
ABSENT: 0-None

Assistant to the Village Administrator Jack Linehan gave an overview of the proposed cable franchise renewal with Comcast of Illinois. The overview included:

Overview:

- 10-year cable franchise agreement with Comcast
- Allows Comcast to use Village right-of-way with minimal permitting requirements and interference
- Provides for
 - Public Access Channel – Waukegan Channel 17
 - New connections at no cost
 - 5% franchise fee to administer the agreement

History and Regulation:

- Federal Cable Communications Policy of 1984
 - Sets controls for regulation, limits on fees and how franchise agreements are renewed
- ILCS 5/22-501
 - Sets customer service obligations. Municipalities cannot regulate customer service standards for cable providers
- Metropolitan Mayors Caucus Template Agreement of 2010
 - Framework provides a uniform agreement for all Chicago-area franchise agreements
- Past Franchise Agreements between the Village and Comcast
 - 1990
 - 2005
 - 2011

Proposed Agreement:

- Minimal change from 2011 agreement
- Clean-up of language
 - Increases Comcast bond and liability coverage
 - Modernizes indemnification
 - Allows greater flexibility for both parties in responding to contract conflicts
- Sets term of agreement as April 2021 to April 2031

Noteworthy Change:

- Section 4.6: Service to School Building and Government Facilities
 - FCC Third Order 621 – 2019
 - Specified that the maximum benefit a franchise granter can receive is 5% of fees. Therefore, free services such as cable in government buildings / schools must be either charged directly or removed from franchise fee payments to Village
 - 18 facilities currently receiving one free cable installation and up to three free cable boxes
 - Village of Gurnee
 - Warren Township
 - Park District
 - District 50

- District 56
- District 121
- Comcast may willingly still give connections
 - Indication that no changes will be made in 2021
 - If change occurs, advanced notice to all agencies will be given

Mayor Kovarik said cable is now being treated more like a utility similar to electricity or gas, therefore, the ability to negotiate unique terms has diminished.

Trustee Garner motioned, seconded by Trustee Ross, to recommend approval pursuant to the Cable communications Policy Act of 1984 on the contemplated renewal of Comcast of Illinois XII, LLC's cable television franchise within the Village of Gurnee.

Roll call,

AYE: 6- Thorstenson, Ross, Garner, O'Brien, Balmes, Hood

NAY: 0- None

ABSENT: 0- None

Motion Carried.

H. PUBLIC COMMENT

None.

Adjournment

It was moved by Trustee Garner, seconded by Trustee O'Brien, to adjourn the Public Hearing.

Voice Vote: ALL AYE: Motion Carried.

Mayor Kovarik adjourned the Public Hearing at 6:53 p.m.

**Andrew Harris,
Village Clerk**