

ORDINANCE NO. 949-2018

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, GRANTING A CABLE TELEVISION FRANCHISE EXTENSION TO COMCAST CABLE COMMUNICATIONS, LLC UNTIL JUNE 30, 2019, AND FIXING AN EFFECTIVE DATE.

WHEREAS, the City of Granite Falls, Washington (the “City”) granted a cable franchise to Tele-View Systems Inc. known as Comcast Cable Communications, LLC. (“Comcast”) by way of Resolution 03-06 dated June 25, 2003 (the “Franchise”); and

WHEREAS, the Franchise granted by Resolution 03-06 will expired on midnight June 24, 2018; and

WHEREAS, Comcast and the City have continued to engage in negotiations in accordance with the provisions of 47 U.S.C. § 546 and substantial progress has been made; and

WHEREAS, Comcast and the City find it mutually beneficial to ratify and to extend the existing Franchise for a reasonable period of time in order to promote and facilitate an orderly franchise renewal process;

WHEREAS this Ordinance was introduced on June 20, 2018, it has been submitted to the City Attorneys and more than five (5) days have elapsed prior to its passage on July 5, 2018,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Franchise Ratification and Extension. The cable television franchise granted under Resolution 03-06 (the “Franchise”) to Comcast Cable Communications, LLC (“Comcast”) is hereby ratified and extended up to and through JUNE 30, 2019 or until such time as the City of Granite Falls, Washington (the “City”) has adopted a further franchise ordinance

that supersedes this Ordinance, whichever occurs sooner.

Section 2. Compliance with Franchise Terms. As a condition of the extension granted by this Ordinance, Comcast shall provide its written and acknowledged unconditional acceptance and promise to comply with all provisions, terms and conditions of the Franchise during this extension period. By the adoption of this Ordinance, the City agrees to comply with all provisions, terms and conditions of the Franchise during the extension period. All previous provisions in Resolution 03-06 shall remain in effect throughout the duration of the Franchise extension as identified in this Ordinance, except the provision for the duration of the Franchise which will be extended to JUNE 30, 2019.

Section 3. Performance Bond and Insurance. The Performance Bond and insurance policies provided by Comcast pursuant to the Franchise shall remain in effect during the extension period.

Section 4. Acceptance. The rights and privileges granted pursuant to this Ordinance shall not become effective until its terms and conditions are accepted by Comcast. Acceptance shall be accomplished by the submission of a written instrument, executed and sworn to by a corporate officer of Comcast before a Notary Public, and filed with the City within sixty (60) days after the effective date of this Ordinance. Such instrument shall evidence the unconditional acceptance of the terms hereof and a promise to comply with and abide by the provisions, terms and conditions hereof.

Section 5. Reservation of Rights. Both the City and Comcast reserve and retain all of their rights under both the formal renewal process and informal renewal process under 47 U.S.C. § 546.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Effective Date. This Ordinance, shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title. This extension is expressly conditioned upon the City's receipt of Comcast's written acceptance as described in Section 4.

APPROVED by the Granite Falls, Washington City Council this 6th day of July, 2018.



Matthew Hartman
MAYOR

ATTEST/AUTHENTICATED:



Darla Reese
CITY CLERK/TREASURER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

Thom Graafstra

FILED WITH THE CITY CLERK: June 15, 2018
PASSED BY THE CITY COUNCIL: July 5, 2018
PUBLISHED: July 11, 2018
EFFECTIVE DATE: July 16, 2018
ORDINANCE NO. 949-2018

SUMMARY OF ORDINANCE NO. 949-2018

of the City of Granite Falls, Washington

On the 5th day of July, 2018, the City Council of the City of Granite Falls, Washington passed Ordinance No. 949-2018. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, GRANTING A CABLE TELEVISION FRANCHISE EXTENSION TO COMCAST CABLE COMMUNICATIONS, LLC UNTIL JUNE 30, 2018, AND FIXING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 6th day of July, 2018.



CITY CLERK

ACKNOWLEDGEMENT OF EXTENSION OF FRANCHISE

This Acknowledgement of Extension of Franchise is made this 6th day of July, 2018, by and between Comcast Cable Communications, LLC ("Comcast") and the City of Granite Falls, Washington, a Washington municipal corporation (the "City").

Whereas the City conferred a franchise on Comcast in Ordinance No. 949-2018 (the "Franchise");

Whereas the parties wish to agree to and acknowledge the continued effect of the Franchise until June 30, 2019;

Now, Therefore, Comcast and the City acknowledge and agree as follows:

1. Term. The Franchise is hereby acknowledged and agreed to be extended until June 30, 2019 or until such time as the City has adopted a new franchise ordinance, whichever occurs sooner.
2. Ratification. All terms and conditions of the Franchise are hereby ratified and confirmed, except the provision for the duration of the Franchise which is hereby extended to June 30, 2019. Comcast hereby unconditionally accepts and promises to comply with all provisions, terms and conditions of the Franchise during the extension period, and shall maintain during this extended term the Performance Bond and insurance policies as described in the Franchise.

CITY OF GRANITE FALLS

By: [Signature]
MAYOR

Dated: July 6, 2018

COMCAST CABLE COMMUNICATIONS, LLC

By: [Signature]
Its: Vice President - Washington Region
Dated: 8/3/18

[Notarized on the Following Page]

