

## ORDINANCE NO. 5129

### AN ORDINANCE AMENDING THE COMCAST CABLE TELEVISION FRANCHISE AGREEMENT TO EXTEND THE TERM.

#### RECITALS:

**WHEREAS**, in December 2012, the City Council enacted Ordinance 4960, which granted a 10-year non-exclusive franchise allowing Comcast of Oregon II, Inc. ("Comcast"), to construct and operate a Cable System within the corporate limits of the City, subject to the terms and conditions set forth in the franchise ("Franchise"); and

**WHEREAS**, the Franchise took effect on January 10, 2013, and will expire on January 9, 2023; and

**WHEREAS**, on February 11, 2020, Comcast filed a request with the City to activate the process for renewing the Franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 ("Cable Act"); and

**WHEREAS**, the parties are in negotiations concerning a renewal of the Franchise utilizing the informal procedures set forth in the Cable Act; and

**WHEREAS**, the parties desire to extend the current Franchise term in order to accommodate such negotiations.

#### NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions amending Ordinance 4960, set forth in the attached Exhibit 1 and incorporated by this reference, are hereby adopted, subject to the City's receipt of the Second Amendment to Franchise Agreement signed by an authorized representative of Comcast.
2. The City Manager is hereby authorized to sign the Second Amendment to Franchise Agreement.
3. This ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 13th day of December 2022, by the following votes:

Ayes: \_\_\_\_\_ Geary, Garvin, Menke, Chenoweth, Payne \_\_\_\_\_

Nays: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

Approved as to form:

  
\_\_\_\_\_  
City Attorney

Attest:

  
\_\_\_\_\_  
City Recorder

Ordinance No. 5129

Effective Date: January 12, 2023 (30 days after Council date)

Page 1 of 2

## SECOND AMENDMENT TO FRANCHISE AGREEMENT

This Second Amendment to Franchise Agreement is made and entered as of January 9, 2023, by and between the City of McMinnville, Oregon ("Franchising Authority") and Comcast of Oregon II, Inc. ("Franchisee").

This Amendment shall modify the cable franchise agreement between the Franchising Authority and Franchisee dated December 11, 2012 ("Franchise"), as follows:

1. Section 2.4 of the Franchise is amended by adding the language shown in underline:  
  
2.4 Term. The Franchise granted hereunder shall be for an initial term of ten (10) years, commencing on the effective date of the Franchise as set forth in Section 8.6, unless otherwise lawfully terminated in accordance with the terms of this Franchise or extended by the mutual agreement of the parties.
2. Section 8.6 of the Franchise is amended by adding the language shown in underline and deleting the language shown in ~~strikethrough~~:  
  
8.6 Effective Date: The effective date of this Franchise is January 10, 2013 pursuant to the provisions of applicable law. The Franchise shall expire on ~~January 9, 2023~~ July 9, 2023 unless extended by the mutual agreement of the parties, or rendered null and void pursuant to Section 8.7 hereof.
3. Except as amended by the First Amendment, dated September 9, 2018, and this Second Amendment, all other terms and conditions of the Franchise shall remain unchanged and in full force and effect.
4. By agreeing to this Second Amendment, it is understood that both the Franchising Authority and Franchisee are reserving all other rights that each may have according to law, including but not limited to franchise renewal rights set forth in Section 626 of the Communications Act of 1934, 47 U.S.C. § 546.

The Second Amendment shall be effective as of January 9, 2023.

### City of McMinnville:

By: 

Title: City Manager

Date: 12.13.2022

### Comcast of Oregon II, Inc.

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

Title: \_\_\_\_\_

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