

ORDINANCE NO. 5130

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

RECITALS:

WHEREAS, effective September 28, 2007, the City Council granted a 15-year non-exclusive franchise allowing Verizon Northwest, Inc., 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"), which Franchise is now held by Ziplly Fiber Northwest, LLC ("Ziplly"); and

WHEREAS, the Franchise expired on September 28, 2022; and

WHEREAS, on September 30, 2019, Ziplly's predecessor 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 and extending the Franchise, set forth in the attached Exhibit 1 and incorporated by this reference, are hereby adopted, subject to the City's receipt of the Amendment to Franchise and Extension Agreement signed by an authorized representative of Ziplly.
2. The City Manager is hereby authorized to sign the Amendment to Franchise and Extension 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

AMENDMENT TO FRANCHISE AND EXTENSION AGREEMENT

This Amendment to Franchise and Extension Agreement is made and entered on _____, 2023, by and between the City of McMinnville, Oregon ("LFA") and Ziplly Fiber Northwest, LLC ("Grantee").

- 1. This Amendment shall modify the cable franchise agreement effective September 28, 2007, between the LFA and Verizon Northwest, Inc., now held by Grantee ("Franchise"), as follows:

Section 2.3 of the Franchise is amended by adding the language shown in underline:

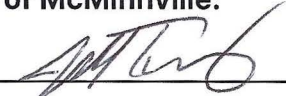
2.3 *Term.* The effective date of this Agreement shall be thirty (30) calendar days following its approval by LFA's governing authority authorized to grant franchises or the date of last signature, whichever is later ("Effective Date"). The term of this Franchise shall be fifteen (15) years from the Effective Date unless the Franchise is earlier revoked as provided herein or is extended by mutual agreement of the parties.

- 2. The LFA and Grantee mutually agree to extend the term of the Franchise to July 9, 2023.
- 3. Except as amended by this Amendment to Franchise and Extension Agreement, all other terms and conditions of the Franchise shall remain unchanged and in full force and effect.
- 4. By agreeing to this Amendment to Franchise and Extension Agreement, it is understood that both the LFA and Grantee 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.

This Amendment to Franchise and Extension Agreement shall be effective as of September 28, 2022.

City of McMinnville:

Ziplly Fiber Northwest, LLC

By: 

By: _____

Title: City Manager

Title: _____

Date: 12-13-2022

Date: _____