

ORDINANCE NO. 5135

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 was to 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, in January 2023, the parties agreed to extend the current Franchise term to July 9, 2023, to accommodate such negotiations. and

WHEREAS, the parties desire to further extend the current Franchise term in order to accommodate further 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 Third 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 June, 2023, by the following votes:

Ayes: _____ Geary, Menke, Chenoweth, Garvin _____

Nays: _____

MAYOR

Approved as to form:

City Attorney

Attest:

Claudia Cisneros
City Recorder

EXHIBIT:

1. Third Amendment to Franchise Agreement

THIRD AMENDMENT TO FRANCHISE AGREEMENT

This Third Amendment to Franchise Agreement is made and entered as of July 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 8.6 of the Franchise is amended by adding the language shown in underline and deleting the language shown in ~~striketrough~~:

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~~ September 13, 2023 unless extended by the mutual agreement of the parties, or rendered null and void pursuant to Section 8.7 hereof.
2. Except as amended by the First Amendment, dated September 9, 2018, the Second Amendment dated as of January 9, 2023, and this Third Amendment, all other terms and conditions of the Franchise shall remain unchanged and in full force and effect.
3. By agreeing to this Third 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 Third Amendment shall be effective as of July 9, 2023.

City of McMinnville:

By: 

Title: City Manager

Date: June 14, 2023

Comcast of Oregon II, Inc.

By: _____

Title: _____

Date: _____