ORDINANCE NO. 5136

AN ORDINANCE EXTENDING THE TERM OF THE ZIPLY FIBER CABLE TELEVISION FRANCHISE AGREEMENT

RECITALS:

WHEREAS, effective September 28, 2007, the City Council granted a 15-year nonexclusive 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 Ziply Fiber Northwest, LLC ("Ziply"); and

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

WHEREAS, on September 30, 2019, Ziply'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, in January 2023, the parties agreed to extend the current Franchise term to accommodate such negotiations. And

WHEREAS, Ziply has decided to discontinue cable service and asked the City for an extension of the current Franchise term to allow it to accommodate its current cable subscribers as it winds down its cable service; and

WHEREAS, the parties desire to further extend the current Franchise term.

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

- The provisions 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 Second Extension Agreement signed by an authorized representative of Ziply.
- 2. The City Manager is hereby authorized to sign the Second Extension Agreement, set forth in Exhibit 1.
- 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 _____

Navs:

MAYOR

Approved as to form:

City Attor

EXHIBIT:

1. Second Extension Agreement Ordinance No. 5136

Effective Date: July 13, 2023 (30 days after Council date) Page 1 of 2

Attest: SUNALS City Recorder

SECOND EXTENSION AGREEMENT

This Second Extension Agreement is made and entered as of July 9, 2023, by and between the City of McMinnville, Oregon ("LFA") and Ziply Fiber Northwest, LLC ("Grantee").

- 1. The LFA and Grantee mutually agree to extend the term of the Franchise to December 31, 2024.
- 2. Except as amended by the Amendment to Franchise and Extension Agreement, effective as of September 28, 2022, and by this Second Extension Agreement, all other terms and conditions of the Franchise shall remain unchanged and in full force and effect.
- 3. By agreeing to this Second 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 Second Extension Agreement shall be effective as of July 9, 2023.

City of McMinnville:	
Ву:	AMP
Title:	City Manager

Date: June 14, 2023

By: ______ Title: _____

Ziply Fiber Northwest, LLC

Date: _____