

CITY OF SNOHOMISH
Snohomish, Washington

ORDINANCE 2084

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON
EXTENDING THE CITY'S CURRENT CABLE FRANCHISE BY
AMENDING SMC 5.08.070 TO ESTABLISH A NEW TERMINATION
DATE AND BY AUTHORIZING THE CITY MANAGER TO EXECUTE
AN ACKNOWLEDGEMENT OF EXTENSION OF CABLE FRANCHISE.**

WHEREAS, the City of Snohomish conferred a Franchise on Tele-View Systems, Inc. by Ordinance 1729 (the "Franchise"); and

WHEREAS, the Franchise, amended by Ordinance No. 1857, Ordinance No. 2058, and 2065 which expires by its own terms on June 1, 2005; and

WHEREAS, in conjunction with the Franchise, the City of Snohomish has adopted provisions in its municipal code regulating said Franchise and also establishing the term of the Franchise; and

WHEREAS, the City of Snohomish, in conjunction with the other cities, issued a Request for Proposals for a new Franchise; and

WHEREAS, the response to the Request was rejected as non-responsive; and

WHEREAS, the consortium's consultant passed away requiring the recruitment, selection, and contracting with another;

NOW THEREFORE, to provide continued service to the residents of the City and to provide an opportunity to secure a responsive proposal, it is hereby ordained by the City Council of the City of Snohomish as follows:

Section 1. The City Manager of the City of Snohomish is hereby authorized to execute that certain Acknowledgement of Extension of Franchise attached to this Ordinance as Attachment A.

Section 2. Snohomish Municipal Code Section 5.08.070 is amended to read as follows:

5.08.070 Term

This franchise or renewal and all rights, privileges, obligations, and restrictions pertaining thereto shall commence on the effective date of Ordinance 1729 (October 21, 1992) and shall expire on December 31, 2005. Notwithstanding 5.08.100 relating to franchise renewal, negotiations for renewal of the franchise agreement shall commence in the year 2001.

Section 3. Should any provision of this Ordinance be declared unlawful, the remaining portions of this Ordinance shall remain fully lawful and in effect.

Section 4. This Ordinance shall become effective five days after publication as required by law.

PASSED by the City Council and APPROVED by the Mayor this 18th day of May 2005.

CITY OF SNOHOMISH

By _____
Liz Loomis, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

APPROVED AS TO FORM:

By _____
Grant K. Weed, City Attorney

Attachment A

ACKNOWLEDGEMENT OF EXTENSION OF FRANCHISE

This Acknowledgement of Extension of Franchise is made this 3rd day of November 2004 between Comcast of California/Colorado/Texas/Washington, Inc. ("Franchisee") and the City of Snohomish, Washington, a Washington Municipal Corporation ("City").

Whereas, City conferred a franchise on Tele-Vue Systems, Inc. by Ordinance 1729; and

Whereas, the Franchise, amended by Ordinance No. 1857 and Ordinance No. 2058, expires by its own terms on November 11, 2004; and

Whereas, by assignments the Franchise conferred is now held by franchisee; and

Whereas, the parties wish to agree to and acknowledge the continued effect of the Franchise until June 1, 2005;

NOW THEREFORE, franchisee and City acknowledge and agree as follows:

1. Term. That certain Franchise conferred by the City by Ordinance 1729 and modified by Ordinance 1857 and Ordinance No. 2058 is hereby acknowledged and agreed to be extended until June 1, 2005.
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 acknowledged to be June 1, 2005.

Dated this _____ day of _____, 2004

CITY OF SNOHOMISH

COMCAST OF CALIFORNIA/COLORADO/
TEXAS/WASHINGTON, INC.

By: _____
Larry Bauman, City Manager

By: _____
Principal of Company, Title