

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 3235

**AN ORDINANCE AGREEING TO AMEND AND EXTEND THE
CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF
HTC COMMUNICATIONS CO. , IN THE CITY OF COLUMBIA,
ILLINOIS UNTIL SEPTEMBER 30, 2016**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 4th day of January, 2016**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 5th day
of January, 2016.**

ORDINANCE NO. 3235

AN ORDINANCE AGREEING TO AMEND AND EXTEND THE CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF HTC COMMUNICATIONS CO., IN THE CITY OF COLUMBIA, ILLINOIS UNTIL SEPTEMBER 30, 2016

WHEREAS, HTC Communications Co. ("HTC") currently provides cable service in Columbia, Illinois ("City") under a non-exclusive Franchise (the "Franchise"), granted to HTC by the City pursuant to the passage of Ordinance No. 2842 on February 7, 2011; and

WHEREAS, under HTC's current Franchise with the City, expiration will occur on January 31, 2016; and

WHEREAS, HTC and the City wish to grant an interim extension of the current Franchise as set forth herein while the parties work to negotiate a longer-term agreement; and

WHEREAS, HTC and the City continue to reserve all rights that may exist under applicable law and do not waive any rights related thereto; and

WHEREAS, it is in the public interest to temporarily extend the current Franchise for an additional period of time so that cable service provided in the City by HTC to the public will not be interrupted and to negotiate a longer-term agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COLUMBIA, ILLINOIS, AS FOLLOWS:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The non-exclusive Franchise, granted to HTC by the City pursuant to the passage Ordinance No. 2842 on February 7, 2011, shall be extended until September 30, 2016, by amending Section 2.3 ("Term") of the current Franchise so the expiration date is changed from January 31, 2016 to an amended expiration date of September 30, 2016; PROVIDED, operation in the rights-of-way without a valid and binding franchise shall not be authorized and shall be subject to such penalties and remedies as set forth in the Cable Ordinance and as otherwise permitted by law; and failure of the conditions subsequent shall cause the authority granted herein to be null and void.

Section 3. All other terms and provisions of the Franchise not changed hereby are to remain in full force and effect until the amended expiration date of September 30, 2016.

Section 4. The City and HTC continue to reserve all rights, if any, under the renewal procedures of Section 626 of the Cable Act (47 U.S.C. § 546) and do not waive any rights related thereto.

Section 5. The Franchise expiration date extension (until September 30, 2016) as granted to HTC by the City hereby, shall take effect only upon the execution by HTC of an unconditional "Acceptance of City of Columbia Cable Service Franchise Amendment and Expiration Date Extension" document, in the form attached hereto as **EXHIBIT A**, delivered to the City Clerk of the City of Columbia, Illinois, on or before **January 27, 2016**, which acceptance documentation shall be duly acknowledged before a Notary Public in good standing.

Section 6. This ordinance shall be in full force and effect following its passage and publication in pamphlet form, as provided by law.

Alderman Niemietz moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Holtkamp, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Huch, Reis, Holtkamp and Martens.

NAYS: None.

ABSENT: Alderman Roessler.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 4th day of January, 2016.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly appointed and acting City Clerk of the City of Columbia, Illinois.

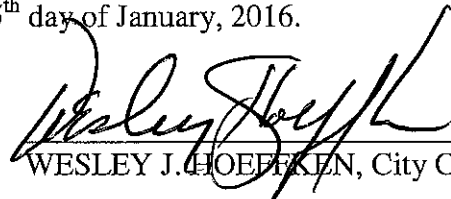
I further certify that on the 4th day of January, 2016, the Corporate Authorities of the City of Columbia, Illinois, passed and approved Ordinance No. 3235 entitled:

“AN ORDINANCE AGREEING TO AMEND AND EXTEND THE CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF HTC COMMUNICATIONS CO., IN THE CITY OF COLUMBIA, ILLINOIS UNTIL SEPTEMBER 30, 2016”

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3235, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Columbia City Hall, commencing on January 5, 2016 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the City Clerk.

DATED at Columbia, Illinois this 5th day of January, 2016.



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

I, Wesley J. Hoeffken, hereby certify that I am the duly appointed and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City; and

I do further certify that City of Columbia, Illinois Ordinance No. 3235, entitled:

**“AN ORDINANCE AGREEING TO AMEND AND EXTEND THE
CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF
HTC COMMUNICATIONS CO., IN THE CITY OF COLUMBIA,
ILLINOIS UNTIL SEPTEMBER 30, 2016”**

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois, City Council held on the 4th day of January, 2016.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 5th day of January, 2016.


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

EXHIBIT A

ACCEPTANCE OF CITY OF COLUMBIA CABLE SERVICE FRANCHISE AMENDMENT AND INTERIM EXTENSION

Now, this 5th day of January 2016, HTC Communications Co. ("HTC"), having been advised by the City of Columbia, Illinois ("City"), that the Mayor and Members of the City Council on the 4th day of January, 2016 did enact Ordinance No. 3235, wherein the City agreed to extend HTC's current Cable Service Franchise until September 30, 2016, so that the expiration date is changed from January 31, 2016 to an amended expiration date of September 30, 2016, and as a condition to the granting of the interim extension (of such Cable Service Franchise) the undersigned does hereby unconditionally and fully accept the City's extension until September 30, 2016, without affecting the other terms, conditions and provisions of said Cable Service Franchise, and agrees to fully comply therewith.

FRANCHISEE:

HTC COMMUNICATIONS CO.

By: Craig A. Hern

Name: Craig A. Hern

Title: Vice President of Operations

(SEAL)

ATTEST:

By: Karen B. Bergman

Executive Vice President
Secretary-Treasurer

STATE OF)
) ss
COUNTY OF MONROE)

I, the undersigned, a Notary Public in and for said county and State aforesaid, DO HEREBY CERTIFY that Craig A. Hern and Karen B. Bergman the Executive Vice President & Secretary-Treasurer and Vice President of Operations of HTC, personally known to be the same persons whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and sealed this document as their free and voluntary act and the free and voluntary act of HTC, and that they were fully and duly authorized by HTC to so subscribe, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 5th day of January, 2016.

(Seal) "OFFICIAL SEAL"
GAIL L. YEAGER
Notary Public, State of Illinois
My Commission Expires 11/08/18

Gail L. Yeager
Notary Public

Ordinance No. 3235
January 4, 2016