

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2827

AN ORDINANCE RENEWING THE INTERIM CABLE TELEVISION FRANCHISE GRANTED TO CHARTER COMMUNICATIONS ENTERTAINMENT I, L.L.C. UNTIL JANUARY 14, 2011, SUBJECT TO THE CONDITIONS HEREIN

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 6th day of December, 2010**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 6th day
of December, 2010.**

DEC 06 2010

ORDINANCE NO. 2827


City Clerk

AN ORDINANCE RENEWING THE INTERIM CABLE TELEVISION FRANCHISE GRANTED TO CHARTER COMMUNICATIONS ENTERTAINMENT I, L.L.C. UNTIL JANUARY 14, 2011, SUBJECT TO THE CONDITIONS HEREIN

WHEREAS, municipalities of the State of Illinois are authorized pursuant to Illinois statute (65 ILCS 5/11-42-11) to franchise cable television services; and

WHEREAS, an interim cable franchise was granted to Charter Communications Entertainment I, L.L.C. (“Charter”) pursuant to the approval of City of Columbia, Illinois (“City”) Ordinance No. 2777, dated April 5, 2010, for a period of until October 1, 2010, and City Ordinance No. 2809, dated September 20, 2010, for a period of until December 1, 2010, and City Ordinance No. 2823, dated November 15, 2010, for a period of until December 10, 2010 (the “Interim Franchise”); and

WHEREAS, since enactment of City Ordinance Nos. 2777, 2809 and 2823, the City and Charter have engaged, and may continue to engage, in negotiations for a longer-term franchise under which Charter will provide cable television service in the City; and

WHEREAS, the City has negotiated in good faith and delivered to Charter a revised franchise ordinance containing such revised negotiated terms, but has been unable to obtain approval by Charter of the revised franchise ordinance and/or Charter desires further negotiation; and

WHEREAS, the City therefore desires to temporarily renew the Interim Franchise for a limited period of time so that Charter may continue to provide cable television services under a valid franchise while the City determines why Charter has not yet accepted the negotiated revised franchise and to allow for additional negotiations if necessary;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City 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 City Council has determined that it is reasonable and necessary to temporarily renew the Interim Franchise with Charter, granted and approved by Ordinance No. 2777 on April 5, 2010 and Ordinance No. 2809 on September 20, 2010 and Ordinance No. 2823 on November 15, 2010, which ordinances are incorporated herein by this reference, until **January 14, 2011**, effective upon execution by Charter of the unconditional “Agreement to Temporarily Renew Interim Franchise” attached hereto as Exhibit A, delivered to the City of Columbia, Illinois City Hall offices **on or before December 17, 2010** (unless otherwise approved by the City Council), which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; **PROVIDED**, that (i) nothing in this ordinance shall be deemed to authorize operation of cable television services within the City prior to such

acceptance; and any operation in the rights-of-way without a valid and binding franchise accepted by Franchisee shall be subject to such penalties and remedies as set forth in the Communications and Cable Code of the City and as otherwise permitted by law; and (ii) nothing in this temporary renewal of the Interim Franchise with Charter until January 14, 2011, shall waive the obligations of Charter under existing or prior franchise terms, including, but not limited to, payment to the City of cost reimbursements or franchise fees.

Section 3. The Interim Franchise shall be temporarily renewed pursuant to Section 2 herein until January 14, 2011, according to the terms set forth therein provided that any rights and procedures contained in the Interim Franchise relating to the audit of Charter by the City shall be subject to the requirements of 65 ILCS 5/11-42-11.05, provided that any rights or procedures contained in the Interim Franchise not inconsistent with 65 ILCS 5/11-42-11.05 shall remain in full force and effect.

Section 4. The City shall, and the officials, agents and employees of the City are hereby authorized and directed to, take such further action, and execute such documents, certificates and instruments as may be necessary to carry out and comply with the intent of this ordinance.

Section 5. Due to the urgency of the enactment of this Ordinance prior to the expiration of the current Interim Franchise, this Ordinance shall be in full force and effect immediately on and after its passage and approval as provided by law and this Ordinance shall be published in pamphlet form as provided by law.

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

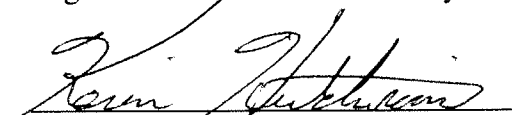
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf, Roessler and Mayor Hutchinson.

NAYS: None.

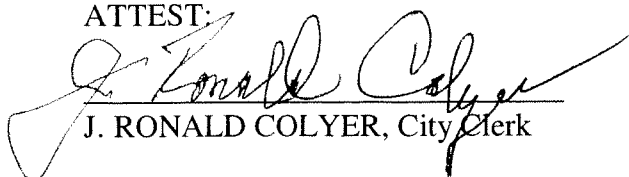
ABSENT: None.

ABSTENTIONS: None.

PASSED by 2/3rds vote of the City Council holding office and APPROVED by the Mayor this 6th day of December, 2010.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, J. Ronald Colyer, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

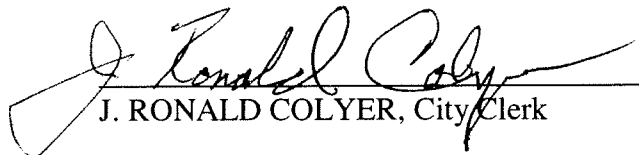
I further certify that on the 6th day of December, 2010, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 2826, entitled:

“AN ORDINANCE RENEWING THE INTERIM CABLE TELEVISION FRANCHISE GRANTED TO CHARTER COMMUNICATIONS ENTERTAINMENT I, L.L.C. UNTIL JANUARY 14, 2011, SUBJECT TO THE CONDITIONS HEREIN”

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

The pamphlet form of Ordinance No. 2826, 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 the 7th day of December, 2010 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 6th day of December, 2010.


J. RONALD COLYER, City Clerk

(SEAL)

EXHIBIT A
AGREEMENT TO TEMPORARILY RENEW INTERIM FRANCHISE

Now, this _____ day of _____, the Franchisee, having been advised by the City of Columbia, Illinois ("City"), that the Mayor and Members of the City Council on the 6th day of December, 2010, did enact Ordinance No. _____, wherein the Interim Franchise granted and approved pursuant to the passage of Ordinance No. 2777 on April 5, 2010 and Ordinance No. 2809 on September 20, 2010 and Ordinance No. 2823 on November 15, 2010 to Charter Communications Entertainment I, LCC ("Interim Franchise") was temporarily renewed from December 10, 2010 until January 14, 2011 to allow the City and Charter to continue negotiations on a longer-term Franchise Agreement, and as a condition to the temporary renewal of such Interim Franchise the undersigned does hereby agree to such temporary renewal of the Interim Franchise until January 14, 2011 and will continue to establish, construct, operate, and maintain a cable television system within the City of Columbia according to the terms, conditions and provisions of the Interim Franchise for the temporarily-renewed term.

FRANCHISEE:
CHARTER COMMUNICATIONS
ENTERTAINMENT I, LLC

(SEAL)

By: _____
Name: _____
Title: _____

ATTEST:

By: _____

STATE OF ILLINOIS)
) ss
COUNTY OF _____)

I, the undersigned, a Notary Public in and for said county and State aforesaid, DO HEREBY CERTIFY that _____ and _____, the _____ and _____ of the Franchisee, 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, sealed and delivered the said instrument as their free and voluntary act and the free and voluntary act of the Franchisee, and that they were fully and duly authorized by the Franchisee to so subscribe, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this _____ day of _____, 2010.

(Seal)

Notary Public