

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 3222

**AN ORDINANCE AGREEING TO AMEND AND EXTEND THE
CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF
CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC d/b/a
CHARTER COMMUNICATIONS, IN THE CITY OF COLUMBIA,
ILLINOIS UNTIL SEPTEMBER 30, 2016**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 7th day of December, 2015**


**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 8th day
of December, 2015.**

ORDINANCE NO. 3222

STATE OF ILLINOIS
CITY OF COLUMBIA
FILED FOR RECORD

DEC - 7 2015

AN ORDINANCE AGREEING TO AMEND AND EXTEND THE CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC d/b/a CHARTER COMMUNICATIONS, IN THE CITY OF COLUMBIA, ILLINOIS UNTIL SEPTEMBER 30, 2016


City Clerk

WHEREAS, Charter Communications Entertainment I, LLC d/b/a Charter Communications (“Charter”) currently provides cable service in Columbia, Illinois (“City”) under a non-exclusive Franchise (the “Franchise”), granted to Charter by the City pursuant to the passage of Ordinance No. 2855 on March 7, 2011; and

WHEREAS, an extension of the Franchise was granted to Charter by the City pursuant to the passage of Ordinance No. 3139, dated November 3, 2014, for a period until December 31, 2015; and

WHEREAS, Charter 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, Charter 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 Charter 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 Charter by the City pursuant to the passage Ordinance No. 3139 on November 3, 2014, shall be extended until September 30, 2016, by amending Section 2.3 (“Term”) of the current Franchise so the expiration date is changed from December 31, 2015 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 Charter 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 Charter by the City hereby, shall take effect only upon the execution by Charter 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 **December 30, 2015**, 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 Holtkamp moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Roessler, and the roll call vote was as follows:

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

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 7th day of December, 2015.



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 7th day of December, 2015, the Corporate Authorities of the City of Columbia, Illinois, passed and approved Ordinance No. 3222 entitled:

“AN ORDINANCE AGREEING TO AMEND AND EXTEND THE CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC d/b/a CHARTER COMMUNICATIONS, 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. 3222, 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 December 8, 2015 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 8th day of December, 2015.


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. 3222, entitled:

“AN ORDINANCE AGREEING TO AMEND AND EXTEND THE CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC d/b/a CHARTER COMMUNICATIONS, 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 7th day of December, 2015.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 8th day of December, 2015.



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

EXHIBIT A

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

Now, this 11th day of December, Charter Communications Entertainment I, LLC d/b/a Charter Communications ("Charter"), having been advised by the City of Columbia, Illinois ("City"), that the Mayor and Members of the City Council on the 7th day of December, 2015 did enact Ordinance No. 3222, wherein the City agreed to extend Charter's current Cable Service Franchise until September 30, 2016, so that the expiration date is changed from December 31, 2015 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:

CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC

By: Mark E. Brown

Name: MARK E. BROWN

Title: VP GOVERNMENT AFFAIRS

(SEAL)

ATTEST:

By: Ben Odendahl

STATE OF _____)

COUNTY OF _____)

) ss District of Columbia

I, the undersigned, a Notary Public in and for said county and State aforesaid, DO HEREBY CERTIFY that Mark Brown and Ben Odendahl the VP of Government Affairs and Admin Assistant of Charter, 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 Charter, and that they were fully and duly authorized by Charter to so subscribe, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 11th day of December 2015.

(Seal)

Ordinance No. 3222
December 7, 2015



Brenda Marshall
Notary Public