

ORDINANCE NO. 17-_____

AN ORDINANCE ESTABLISHING THE TERMS, FEES, COMPENSATION, CONDITIONS AND OTHER MATTERS RELATING TO THE GRANTING OF A CABLE FRANCHISE TO COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC AND APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC AND THE CITY OF COLORADO SPRINGS

WHEREAS, in 2000 the City of Colorado Springs granted a franchise to Century Colorado Springs Partnership, a Delaware Partnership, d/b/a Adelphia Cable Communications for the provision of cable television services within the City of Colorado Springs; and

WHEREAS, Comcast of Colorado/Pennsylvania/West Virginia, LLC ("Comcast") is the successor to Century Colorado Springs Partnership, a Delaware Partnership, d/b/a Adelphia Cable Communications; and

WHEREAS, Comcast has requested a renewal of its franchise with the City of Colorado Springs for the provision of cable television services within the City of Colorado Springs; and

WHEREAS, Section 10-30(a) of the City Charter, which provides that no franchise shall be granted except upon the approval of the electors voting on the franchise, has been preempted by federal law; and

WHEREAS, Section 10-30(b) of the City Charter provides that unless the terms, fees, compensation, conditions, or any other matter relating to the granting of franchises are set by the vote of the electorate, the City Council shall establish those terms by ordinance; and

WHEREAS, City Council has reviewed the proposed Comcast of Colorado/Pennsylvania/West Virginia, LLC and the City of Colorado Springs, Colorado Cable Franchise Agreement, which is attached hereto as Exhibit 1, ("Cable Franchise Agreement"); and

WHEREAS, the Cable Franchise Agreement contains the material terms of the proposed franchise, including the terms, fees, compensation, conditions and other matters relating to the granting of the cable television franchise; and

WHEREAS, City Council has conducted multiple public hearings and received public comment on the Cable Franchise Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. As provided in in Section 10-30(b) of the Charter of the City of Colorado Springs, the City Council hereby establishes the terms, fees, compensation, conditions and other matters relating to the granting of the cable television franchise by approving the Cable Franchise Agreement attached hereto as Exhibit 1.

Section 2. The Mayor is hereby authorized to execute the Cable Franchise Agreement.

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2017.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk