

ORDINANCE NO. 2018-1117
City of Stevenson, Washington

An Ordinance Extending the Duration of the Cable Television
Franchise Held by WaveDivision I, LLC

WHEREAS, the City of Stevenson (the “City”) originally granted a cable television franchise (“Franchise”) to Summit Communications, Inc. (“Summit”) under that certain Cable TV Franchise Ordinance passed in regular session on September 15, 1994;

WHEREAS, by Resolution No. 159 dated November 15, 1998, the City consented to the transfer of the Franchise from Summit to Millennium Digital Media Systems, LLC, which changed its name to Broadstripe, LLC (“Broadstripe”);

WHEREAS, on November 17, 2011, the City consented to the transfer of the Franchise from Broadstripe to WaveDivision I, LLC (“Wave”);

WHEREAS, despite the expiration of the Franchise on January 31, 2012, the City and Wave have continued to operate under the terms and conditions of the Franchise since the expiration, and are not aware of any defaults on the part of either party under the terms and conditions of the Franchise; and

WHEREAS, this Franchise was extended to February 28, 2018. Due to continuing negotiations, the parties wish to extend the current Franchise to April 19, 2018.

WHEREAS, the City and Wave have begun renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended, and the parties continue to reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

WHEREAS, the City and Wave believe that it is in their mutual interest, and in the public interest, to reinstate and extend the term of the Franchise for an additional period of time so that cable service to the public will not be interrupted;

NOW, THEREFORE, BE IT ORDAINED, by the Stevenson City Council of the City of Stevenson that this Ordinance be adopted and that the Franchise granted to Wave to operate and maintain a cable communications system in the City of Stevenson is hereby reinstated and extended upon the terms and conditions set forth below:

1. Extension of the Franchise Term. The City has determined to temporarily reinstate and extend the term of the Franchise until a new agreement can be renegotiated and granted by City Council not later than April 19, 2018.

2. Effective Date. This Ordinance shall become effective five days after publication as provided by law.

3. No Other Amendments. Except as expressly modified by this Ordinance, all terms, conditions and provisions of the Franchise shall continue in full force and effect as set forth therein.

4. Invalid Provision. If any provision of this Ordinance is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable. This Ordinance shall be construed and enforced as if such illegal or otherwise unenforceable provision had never comprised a part hereof. The remaining provisions of this Ordinance shall remain in full force and effect and shall not be affected. Furthermore, in lieu of such illegal, invalid or unenforceable provision there shall be added automatically as part of this Ordinance a legal, valid and enforceable provision as similar in terms and intent to such illegal, invalid or unenforceable provision as may be legally possible.

5. Notice and Procedural Requirements. The Franchise was made, passed and adopted in accordance with all applicable notice and procedure requirements under all laws applicable to the City, and with all applicable notice and procedure requirements, and do not conflict with the laws of the State of Washington or the laws, ordinances, resolutions and other regulations of the City, as presently in effect or as the same were in effect at the time the particular action was taken.

6. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

PASSED IN REGULAR SESSION this 15th day of February, 2018.

ATTEST

CITY OF STEVENSON

Clerk of the City of
Stevenson

Mayor

APPROVED AS TO FORM:

Attorney for the City of Stevenson

Accepted by:

WAVEDIVISION I, LLC

General Counsel