

RESOLUTION SERIES 2025, No. 1

A RESOLUTION GRANTING FALCON CABLE SYSTEMS COMPANY II, L.P (CHARTER COMMUNICATIONS) AN ADDITIONAL TERM AND FRANCHISE RENEWAL FOR THE OPERATION AND MAINTENANCE OF A CABLE SYSTEM WITHIN THE RIGHT-OF-WAY OF THE CITY

WHEREAS, pursuant to Federal law, state statutes, City Charter, and local ordinances, the City of Dunes City (“City”) is authorized to grant a non-exclusive franchise to occupy public rights-of-way; and

WHEREAS, the Federal Cable Act requires a franchise for any cable operator to provide cable telecommunications services; and

WHEREAS, Charter Communications (“Grantee”) is a cable services provider that desires to construct, operate, and maintain a cable system within City rights-of-way; and

WHEREAS, in 2017, by Resolution Series 2017, No. 19 (10-11-2017), the City and Grantee entered into a franchise agreement for construction, operation, and maintenance of a cable system in the City’s right of way (“Franchise Agreement”), which is attached hereto as Exhibit A;

WHEREAS, the term of the Franchise Agreement was for ten years;

WHEREAS, Grantee has initiated the renewal procedures under Federal law, and on February 19, 2025, after affording the public notice and opportunity to comment on the renewal, held a public hearing on the renewal, and City Council has decided to renew the Franchise Agreement with Grantee, under the same terms as originally granted, except as amended as set forth below;

WHEREAS, the City finds that Grantee has the financial, legal, and technical abilities to continue to provide cable services, facilities, and equipment necessary to meet the future cable-related needs of the community, and has complied with the material terms of its existing franchise; and

WHEREAS, the City Council for the City deems that it is in the public interest to now renew and grant the franchise to Grantee under the terms and conditions of the Franchise Agreement, attached hereto as **Exhibit A**, and amended as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Dunes City Council that:

Section 1. The foregoing recitals are approved and hereby incorporated into this Resolution.

Section 2. Amendments. Section 2.2 of the Franchise Agreement is hereby amended and restated as follows:

2.2 Term. The Franchise and the rights, privileges, and authority hereby granted shall be for a period of ten (10) years, commencing on the date that the resolution approving the renewal of the Franchise is made effective. Between thirty six months (35) and thirty (30) months prior to expiration of this term, Grantee will comply with federal procedures under the Cable Act to preserve its rights for renewal. This Franchise will be automatically extended for an additional term of five (5) years, unless within ninety (90) days of Grantor's receipt of the 626 letter, either party notifies the other in writing of its desire to not exercise this automatic extension (and enter renewal negotiations under the Cable Act). If such a notice is given, the parties will then proceed under the federal Cable Act renewal procedures.

Section 3: Severability. If any section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

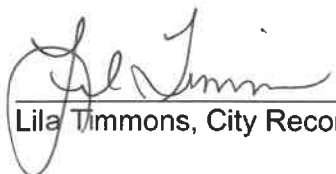
Section 4. Savings. Except as amended herein, all other provisions of Franchise Agreement, attached as Exhibit A, remain in full force and effect.


Section 4. Effective Date; Acceptance. This Resolution will go into full force and effect thirty (30) days after approval. Subject to applicable federal, state and local law, Grantee must accept the provisions this Resolution and Franchise Agreement, and agree to be bound thereby. Such acceptance shall be in writing, signed by an officer of the Grantee, which is delivered to Grantor within 30 days of enactment of this Resolution. In the event Grantee fails to deliver its acceptance as provided herein, and notwithstanding any other provision of this Resolution, Grantor may repeal this Resolution without further notice too Grantee and without giving Grantee an opportunity to be heard.

PASSED AND ADOPTED by the Dunes City Council this 19th day of March, 2025.

ATTEST:

APPROVED:


Lila Timmons, City Recorder


Ed McGuire, Mayor