

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2140

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON
EXTENDING THE CITY'S CURRENT CABLE FRANCHISE TO MARCH
31, 2008; AMENDING SMC 5.08.070 TO ESTABLISH A NEW
TERMINATION DATE; AND AUTHORIZING THE CITY MANAGER
TO EXECUTE AN ACKNOWLEDGEMENT OF EXTENSION OF CABLE
FRANCHISE**

WHEREAS, the City of Snohomish conferred a Franchise on Tele-View Systems, Inc. by Ordinance 1729 (the "Franchise"); and

WHEREAS, the Franchise, amended by Ordinance 1857, Ordinance 2058, Ordinance 2065, Ordinance 2085, Ordinance 2103, and Ordinance 2120, expired on its own terms on April 30, 2007; and

WHEREAS, in conjunction with the Franchise, the City of Snohomish has adopted provisions in its municipal code under SMC 5.08.070 regulating said Franchise and also establishing the term of the Franchise; and

WHEREAS, the City of Snohomish, in conjunction with the other cities, issued a Request for Proposals for a new Franchise; and

WHEREAS, the response to the Request was rejected as non-responsive; and

WHEREAS, the consortium's consultant passed away requiring the recruitment, selection, and contracting with another consultant;

NOW THEREFORE, to provide continued service to the residents of the City, and to provide an opportunity to secure a responsive proposal, it is hereby ordained by the City Council of the City of Snohomish as follows:

Section 1. The City Manager of the City of Snohomish is hereby authorized to execute that certain Acknowledgement of Extension of Franchise attached to this Ordinance as Attachment A.

Section 2. Snohomish Municipal Code Section 5.08.070 is amended to read as follows:

5.08.070 Term

This franchise or renewal and all rights, privileges, obligations, and restrictions pertaining thereto shall commence on the effective date of Ordinance 2140 (January 1, 2008) and shall expire on March 31, 2008. Notwithstanding SMC

5.08.100 relating to franchise renewal, negotiations for renewal of the franchise agreement shall be deemed to have commenced in the year 2001.

Section 3. Should any provision of this Ordinance be declared unlawful, the remaining portions of this Ordinance shall remain fully lawful and in effect.

Section 4. This Ordinance shall become effective January 1, 2008.

ADOPTED by the City Council and **APPROVED** by the Mayor this 18th day of December 2007.

CITY OF SNOHOMISH

By _____
Randy Hamlin, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

APPROVED AS TO FORM:

By _____
Grant K. Weed, City Attorney

Attachment A

ACKNOWLEDGEMENT OF EXTENSION OF FRANCHISE

This Acknowledgement of Extension of Franchise is made this 1st day of January 2008 between Comcast of California/Colorado/Texas/Washington, Inc. ("Franchisee") and the City of Snohomish, Washington, a Washington Municipal Corporation ("City").

WHEREAS, the City conferred a Franchise on Tele-Vue Systems, Inc. by Ordinance 1729; and

WHEREAS, the Franchise, amended by Ordinance 1857, Ordinance 2058, Ordinance 2065, Ordinance 2085, Ordinance 2103, and Ordinance 2120, expires by its own terms on April 30, 2007; and

WHEREAS, by assignments the Franchise conferred is now held by the Franchisee; and

WHEREAS, the parties wish to agree to and acknowledge the continued effect of the Franchise until March 31, 2008;

NOW THEREFORE, the Franchisee and the City acknowledge and agree as follows:

1. Term. That certain Franchise conferred by the City by Ordinance 1729 and modified by Ordinance 1857, Ordinance 2058, Ordinance 2065, Ordinance 2085, Ordinance 2103, and Ordinance 2120 is hereby acknowledged and agreed to be extended until March 31, 2008.

2. Ratification. All terms and conditions of the Franchise are hereby ratified and confirmed, except the provision for the duration of the franchise which is hereby acknowledged to be continued March 31, 2008.

Dated this _____ day of December, 2007

CITY OF SNOHOMISH

COMCAST OF CALIFORNIA/COLORADO/
TEXAS/WASHINGTON, INC.

By: _____
Larry Bauman, City Manager

By: _____
Principal of Company, Title