

**ORDINANCE NO. 1685  
SERIES 2015**

**AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE BY THE CITY OF LOUISVILLE TO COMCAST OF COLORADO I, LLC AND ITS LAWFUL SUCCESSORS, TRANSFEREES AND ASSIGNS, FOR THE RIGHT TO MAKE REASONABLE AND LAWFUL USE OF RIGHTS-OF-WAY WITHIN THE CITY TO CONSTRUCT, OPERATE, MAINTAIN, RECONSTRUCT, REPAIR AND UPGRADE A CABLE SYSTEM FOR THE PURPOSE OF PROVIDING CABLE SERVICES TO CITIZENS WITHIN THE CITY**

**WHEREAS**, Comcast of Colorado I, LLC (“Comcast”), currently holds a cable television franchise with the City of Louisville (“City”), granted by Ordinance No. 1488, Series 2006; and

**WHEREAS**, by Ordinance No. 1626, Series 2013 and Ordinance No. 1659, Series 2014, the term of such cable television franchise was extended from its original expiration date of April 11, 2013 until October 11, 2014; and

**WHEREAS**, the City and Comcast have been operating under the existing franchise pursuant to a month-to-month agreement since October 11, 2014; and

**WHEREAS**, Comcast and the City have been involved in negotiations related to the granting of a new cable franchise agreement to Comcast; and

**WHEREAS**, these negotiations have resulted in a proposed Franchise Agreement that is being presented to City Council for its consideration and approval (the “Franchise Agreement”), a copy of which Franchise Agreement accompanies this ordinance and is on file with the City Clerk; and

**WHEREAS**, the Franchise Agreement includes the following major terms and conditions: (1) a term of ten years (2) a requirement that Comcast pay to the City a franchise fee of five percent (5%) of the gross revenues that Comcast or an affiliated entity derives, directly or indirectly, from the operation of the cable system used to provide cable services within the City; (3) provision of and funding for public, educational and governmental access channels; and (4) a requirement that Comcast comply with customer service standards that are adopted and may be modified by the City consistent with applicable law; and

**WHEREAS**, Section 14-1 of the City Charter provides that the granting, renewal or amendment of any franchise shall be by ordinance of the City Council; and

**WHEREAS**, the City Council finds that the City’s grant of a cable franchise to Comcast in accordance with the terms and conditions of the Franchise Agreement is in the best interests of the City and its citizens, and will meet the future cable related needs of the community.

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

**Section 1.** The City Council hereby approves the proposed Franchise Agreement by and between Comcast of Colorado I, LLC and the City of Louisville, Colorado in the form of such Franchise Agreement accompanying this ordinance, and hereby authorizes the grant of franchise therein contained subject to and upon the terms and conditions of said Franchise Agreement.

**Section 2.** The Mayor is authorized to execute the Franchise Agreement on behalf of the City, such execution to be on or after the effective date of this ordinance and subject to the requirement that Comcast shall have first executed the same.

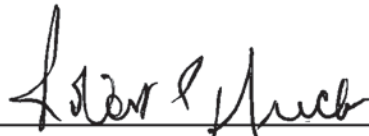
**Section 3.** The term of the current franchise between Comcast and the City, as granted by Ordinance No. 1488, Series 2006; and further extended from its original expiration date of April 11, 2013 until October 11, 2014 is hereby further extended to the effective date of the Franchise Agreement, or until such date that the current franchise is otherwise terminated, but in no event shall the extension set forth herein extend past November 30, 2015.

**Section 4.** If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 5.** The repeal or modification of any provision of any ordinance or of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 6.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED** this 7<sup>th</sup> day of April, 2015.

  
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Robert P. Muckle, Mayor

ATTEST:

Nancy Varra  
Nancy Varra, City Clerk



APPROVED AS TO FORM:

[Signature]  
Light Kelly, P.C.  
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 5<sup>th</sup> day of May, 2015.

ATTEST:

Nancy Varra  
Nancy Varra, City Clerk



Robert P. Muckle  
Robert P. Muckle, Mayor