

RESOLUTION NO. _____, SERIES 2004

**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS
EXTENDING ORDINANCE 1482, THE CABLE TELEVISION FRANCHISE THROUGH
MAY 31, 2004**

WHEREAS, the provision of cable services are a critical service for many Davis residents to residents and the public at large; and

WHEREAS, provision of cable services necessitates an agreement for use of city right-of-way between the City of Davis and all cable providers; and

WHEREAS, the City has an existing cable franchise with Comcast Corporation; and

WHEREAS, the Comcast has requested that the city cooperate in informal negotiations to renew the franchise with the City of Davis; and

WHEREAS, the City is currently negotiating to renew the cable services franchise; and

WHEREAS, the negotiations will not be completed before the expiration of the current franchise; and

WHEREAS, it is in the common interest of Davis cable customers to continue to receive cable services under the current franchise terms until a new franchise is approved;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVIS, Ordinance No. 1482, the current cable franchise, should be amended as follows:

Section 1. Extension of the term of the agreement through May 31, 2004.

The City hereby agrees and consents to extend the current cable franchise, Ordinance No. 1482, through May 31, 2004 or until a new cable franchise is approved by the City Council and Comcast, whichever occurs first, subject to the terms and conditions set forth below.

Section 2. Terms and Conditions of Extension of the Agreement.

The City's consent to the extension, described above, is subject to, and conditioned upon, the following terms and conditions, all of which are hereby incorporated in the Franchise Agreement:

A. All terms and conditions of the cable franchise shall remain in full force and effect during the extension period.

B. The extension shall have no adverse effect on Franchisee's compliance, nor shall the extension be grounds for any change or modification in the remaining terms, conditions and obligations of the franchise. Further, the extension of the franchise agreement will not affect, diminish, impair or supercede the binding nature of the existing ordinances, resolutions and agreements applicable to operation of the cable system.

C. The City's agreement to extend the Franchise Agreement, as set forth herein shall not be construed, in any manner whatsoever, to constitute a waiver or release of any rights the City may have under the franchise, whether those rights arose before or after the change in control to Comcast and the fact that such deficiencies may have existed prior to the change in control shall not be a defense against correction of the deficiencies or non-compliance.

PASSED AND ADOPTED by the City Council of the City of Davis on this _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

Susie Boyd, Mayor

ATTEST:

Bette Racki, City Clerk