

**ORDINANCE NO. 823**

**AN ORDINANCE EXTENDING AND AMENDING A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF DACONO AND COMCAST OF COLORADO IV, LLC.**

This Amendment to the Cable Television Franchise Agreement is made and entered into as of the effective date of the City of Dacono's Ordinance No. 823, on the 12th day of December, 2016, and amends the Cable Television Franchise Agreement ("Franchise Agreement") by and between the City of Dacono, ("City") and Comcast of Colorado IV, LLC ("Comcast").

**WHEREAS**, the City Council approved the grant of a nonexclusive Franchise Agreement to Comcast of Colorado IV, LLC, effective February 1, 2011 for its construction and operation of a cable television system within the City for a five-year term; and

**WHEREAS**, Comcast has preserved its right of renewal by timely filing a request with the City to activate the formal process for renewing the Franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 ("Cable Act"); and

**WHEREAS**, Comcast has provided public notice of the City's consideration of renewal of the Franchise Agreement as required by the Cable Act; and

**WHEREAS**, City staff and Comcast representatives have discussed the renewal of the Franchise and both parties have agreed that their respective interests will be served by a formal extension of the existing Franchise Agreement to a date certain; and

**WHEREAS**, the City Council is therefore agreeable to extending the existing term of the Franchise Agreement until February 1, 2021.

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

1. That the Mayor is hereby authorized to enter into, on behalf of the City, this amendment to the Franchise Agreement with Comcast to extend the term of the Franchise Agreement until February 1, 2021.

2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

3. Section 13.8 of the Franchise Agreement is amended to add a new Section 13.8.1, to read as follows:

13.8.1 Grantee shall continue to provide one modem and high speed internet connection with a Static IP address to the Franchise Authority so that the Franchise Authority can provide content on the shared PEG Channel. The Franchise Authority shall be responsible for any and all associated training and ongoing operating of the shared PEG channel.

4. Neither party waives any right which it enjoys under law as a result of agreeing to this Franchise extension, and Comcast shall not be required to file any additional request or document in order to preserve its right of renewal under Section 626 of the Cable Act.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the day and year first written above.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE AND POSTED IN FULL THIS 28th DAY OF NOVEMBER, 2016.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 12th DAY OF DECEMBER, 2016, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE THIS 12th DAY OF DECEMBER, 2016.**

**CITY OF DACONO, COLORADO**

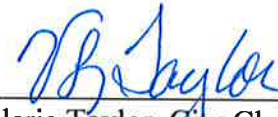
By: \_\_\_\_\_

  
Joe Baker, Mayor

Date: \_\_\_\_\_

12/12/16

**ATTEST:**

  
\_\_\_\_\_  
Valerie Taylor, City Clerk

**COMCAST OF COLORADO IV, LLC**

By: \_\_\_\_\_

  
Richard C. Jennings  
Regional Senior Vice President – Cable Management

Date: \_\_\_\_\_

2/27/17

Summary of Ordinance No. 823, **“AN ORDINANCE EXTENDING AND AMENDING A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO COMCAST OF COLORADO IV, LLC”**: Extends the non-exclusive franchise held by Comcast to operate a cable television system within City rights-of-way for an additional term of five years and amends certain provisions of the franchise allowing exclusive use of the PEG Channel by the City and the Towns of Firestone and Frederick.