

RESOLUTION NO. 1098

A RESOLUTION APPROVING AN EXTENSION OF THE CABLE FRANCHISE AGREEMENT WITH WAVEDIVISION VII, LLC

WHEREAS, the City of Canby (the "City") and WaveDivision VII, LLC ("Wave") are parties to a Cable Franchise Agreement passed and approved by the City on May 7, 1999, (the "Franchise"), pursuant to which the City granted a cable television franchise to Wave to construct, maintain and operate a cable television system throughout the City; and

WHEREAS, the Franchise will expire on May 7, 2011; and

WHEREAS, Wave and the City have begun renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended, and the parties continue to reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and


WHEREAS, because the City and Wave have not yet reached agreement on the renewal, the parties have agreed to extend the existing franchise for thirty (30) days while a new franchise continues to be negotiated; and

WHEREAS, it is in the public interest to extend the Franchise for an additional period of time so that cable service to the public will not be interrupted

IT IS HEREBY RESOLVED by the City of Canby Council as follows:


1. The City agrees to extend the WaveDivision VII, LLC cable franchise for thirty (30) days from May 7, 2011 and authorizes the City Administrator to sign the extension agreement attached hereto as Exhibit A on behalf of the City.
2. This Resolution shall take effect on May 4, 2011.

ADOPTED this 4th day of May, 2011 by the Canby City Council.



Randy Carson
Mayor

ATTEST:



Kimberly Scheafer, CMC
City Recorder

FRANCHISE EXTENSION AGREEMENT

WHEREAS, WaveDivision VII, LLC ("Wave") currently holds a cable franchise with the City of Canby, Oregon ("City"), effective May 7, 1999 ("Franchise"); and

WHEREAS, Wave's Franchise with the City will expire on May 7, 2011; and

WHEREAS, the City and Wave are engaging in informal renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended and the parties continue to reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

WHEREAS, the parties have agreed to extend the existing franchise for thirty (30) days while a new franchise continues to be negotiated; and

WHEREAS, it is in the public interest to further extend the current Franchise for an additional period of time so that cable service to the public will not be interrupted.

NOW, THEREFORE, the City and Wave agree as follows:

1. The Franchise shall be extended to expire on June 6, 2011 or until a new Franchise Agreement is negotiated, whichever comes first.
2. All provisions of the Franchise, other than the duration of the Franchise as set forth in Sections 1.1, 3.1 and 3.3, shall remain in full force and effect, through the expiration date set forth herein.

APPROVED this 4th day of May 2011.

City of Canby, Oregon

By: Greg Ellis

Print Name: Greg Ellis

Title: City Administrator

ACCEPTED this 6th day of May, 2011.

WaveDivision VII, LLC

By: James A. Perry

Print Name: James A. Perry

Title: Executive Vice President