

RESOLUTION NO. 1270

A RESOLUTION AMENDING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF CANBY AND WAVEDIVISION VII, LLC. DBA WAVE

WHEREAS, WaveDivision VII, LLC, a Washington limited liability company, doing business as Wave ("Wave"), hereinafter referred to as "Grantee", currently provides cable television services to its customers within the City of Canby; and

WHEREAS, the City of Canby granted a twelve-year cable television Franchise to Grantee, which was only granted through March 4, 2017; and

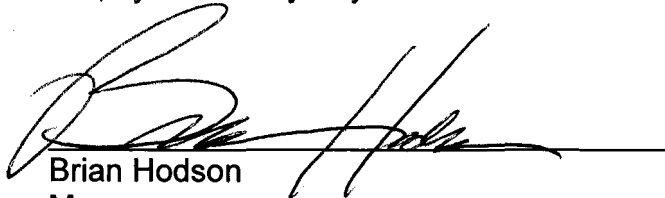
WHEREAS, the City and Grantee wish to extend the term of the Franchise Agreement; and

WHEREAS, the City finds it is in the public interest to extend the Franchise Agreement as set forth in this Resolution.

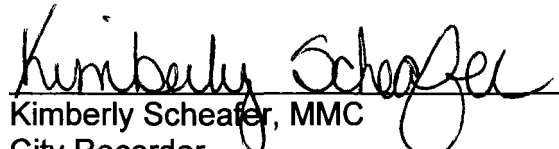
NOW, THEREFORE, IT IS HEREBY RESOLVED by the City of Canby Council as follows:

1. The City hereby agrees to extend the franchise granted to WaveDivision VII, LLC, doing business as Wave ("Wave") for a three (3) year term from the effective date of March 4, 2017, 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 June 21, 2017.

ADOPTED this 21st day of June 2017, by the Canby City Council


Brian Hodson
Mayor

ATTEST:


Kimberly Scheafer, MMC
City Recorder

FRANCHISE EXTENSION AGREEMENT

WHEREAS, WaveDivision VII, LLC, a Washington limited liability company, doing business as Wave ("Wave"), currently provides cable television services to its customers within the City of Canby; and

WHEREAS, the City of Canby granted a twelve-year cable television Franchise to Wave, which was only granted through March 4, 2017; and

WHEREAS, the City and Wave wish to extend the term of the Franchise Agreement for a period of three (3) years, retroactive to March 4, 2017; and

WHEREAS, the City finds it is in the public interest to extend the Franchise Agreement so that cable service to the public will not be interrupted; and

WHEREAS, City acknowledges that the duration of the term of the franchise extension granted hereby is less than the 30-month minimum advance notice required under Section 626 of the Cable Communications Policy Act of 1984, as amended (the "§626 Renewal Notice") for Wave to timely exercise its franchise renewal rights under federal law. Accordingly, City agrees that Wave shall be deemed to have provided its §626 Renewal Notice to City in a timely manner and City hereby irrevocably waives and relinquishes any right to take a contrary position.

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

1. The Franchise shall be extended to expire on March 4, 2020, or until a new Franchise Agreement is negotiated, whichever comes first.
2. All provisions and amendments to the Franchise, other than duration of the Franchise, shall remain in full force and effect through this agreed upon extension date.

APPROVED this 21st day of June 2017.

City of Canby, Oregon


By: 

Print Name: Richard Robinson

Title: City Administrator

ACCEPTED this 22nd day of June, 2017.

WaveDivision VII, LLC

By: 
Print Name: James A. Penney
Title: General Counsel