

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2021

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO ALLO GREELEY, L.L.C. AND ITS SUCCESSORS AND ASSIGNS FOR THE RIGHT TO MAKE REASONABLE USE OF, AND ERECT, CONSTRUCT, OPERATE, AND MAINTAIN THROUGH THE PUBLIC RIGHTS-OF-WAY, EASEMENTS AND OTHER PUBLIC PROPERTY AND EQUIPMENT NECESSARY AND APPURTENANT TO THE OPERATION AND MAINTENANCE OF A CABLE SYSTEM AND THE PROVISION OF CABLE SERVICES TO CITIZENS WITHIN THE CITY

WHEREAS, Allo Communications L.L.C., ("Allo"), is seeking to provide cable services within the corporate boundaries of the city of Greeley ("City"); and

WHEREAS, Allo and the City have been involved in negotiations for several months related to the granting of a new cable franchise agreement to Allo; and

WHEREAS, these negotiations have resulted in a proposed Franchise Agreement that is being presented to the City Council for its consideration and approval (the "Franchise Agreement"), a copy of which is attached hereto; and

WHEREAS, the Franchise Agreement includes the following major terms and conditions: (1) a term of fifteen (15) years; (2) a requirement that Allo pay to the City a franchise fee of five percent (5%) of the gross revenues that Allo derives, directly or indirectly, from the operation of the cable system used to provide cable services within the City; and (3) a requirement that Allo continue to comply with the customer service standards as adopted and subsequently modified by the City, consistent with applicable law; and

WHEREAS, the City Council of the City of Greeley finds that the City's grant of a cable franchise to Allo, in accordance with the terms and conditions of the Franchise Agreement, is in the best interests of the citizens of the city of Greeley, will meet the future cable-related needs of the community, and is consistent with the pre-emptive requirements of §541 of the Cable Television Consumer Protection and Competition Act of 1992.

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

Section 1. The City of Greeley hereby adopts the Cable Franchise Agreement labeled as Exhibit A and attached to this Ordinance.

Section 2. This Council Ordinance adoption is authorized under Article XVIII of the Greeley City Charter.

Section 3. This Ordinance authorizes the Mayor and appropriate City staff to execute the attached Cable Franchise Agreement.

Section 4. This Ordinance shall become effective five (5) days follows its final publication.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF
_____, 2021.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor