

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2023-266**

**AN ORDINANCE APPROVING THE GRANT OF A CABLE FRANCHISE TO
TDS BROADBAND SERVICE, LLC, AND APPROVING A CABLE FRANCHISE
AGREEMENT BETWEEN TDS BROADCAST SERVICE, LLC, AND THE TOWN
OF JOHNSTOWN, COLORADO**

WHEREAS, pursuant to the Charter of the Town of Johnstown (the “Charter”), the Municipal Code for the Town of Johnstown (the “Code), and the authority granted to home-rule municipalities under the Colorado Constitution, the Town of Johnstown (the “Town”) may enter into franchise agreements and adopt and amend ordinances;

WHEREAS, the Town is authorized generally pursuant to Article XX of the Colorado Constitution, as well as C.R.S § 31-15-702, to regulate and manage the use, maintenance, and repair of public streets, roads, sidewalks, and public places under its jurisdiction;

WHEREAS, the Town previously granted a non-exclusive franchise for the construction, maintenance, and operation of a cable television system within the Town to Baja Broadband, LLC;

WHEREAS, TDS Broadband Service LLC, known locally as TDS (“TDS”) is the successor in interest to Baja Broadband, LLC;

WHEREAS, TDS is agreeable to continue providing cable television service in the Town;

WHEREAS, TDS seeks a new cable television franchise, and a proposed new Cable Franchise Agreement acceptable to both the Town and TDS has been prepared (the “Agreement”), a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference;

WHEREAS, the Town has reviewed performance under the prior franchise and the quality of service during the prior franchise term, has identified the future cable-related needs and interests of the Town and its citizens, has considered the financial, technical, and legal qualifications of TDS, and has determined that TDS plans for operating and maintaining its Cable Systems are adequate, in a full public proceeding affording due process to all parties;

WHEREAS, the public has had adequate notice and opportunity to comment on TDS’s proposal to provide cable television service within the Town;

WHEREAS, the Town has a legitimate and necessary regulatory role in ensuring the availability of cable communications service, and reliability of cable systems in its jurisdiction, the availability of local programming and quality customer service;

WHEREAS, diversity in cable service programming is an important policy goal and TDS's cable system should offer a wide range of programming services;

WHEREAS, the Town Council for the Town of Johnstown (the "Council") has considered this Ordinance authorizing the cable television system franchise and the Agreement;

WHEREAS, the Council hereby finds that the public has had adequate notice and opportunity to comment upon the proposed cable television system franchise and the Agreement;

WHEREAS, the Council hereby finds that it serves the public interest of the citizens of the Town to grant a cable television franchise to TDS pursuant to the terms of the Agreement;

WHEREAS, the Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:

Section 1. Grant of Franchise. The Town of Johnstown hereby grants to TDS Broadband Service LLC, effective January 1, 2024, a nonexclusive Cable Franchise subject to the terms and conditions set forth in the attached Cable Franchise Agreement between TDS Broadband Service, LLC, and the Town of Johnstown, Colorado.

Section 2. Franchise Agreement. The Town of Johnstown hereby approves and adopts the attached Cable Franchise Agreement between TDS Broadband Service, LLC, and the Town of Johnstown, Colorado. The Cable Franchise Agreement shall be available for public inspection during normal business hours from the Town Clerk at the offices of the Town of Johnstown, Colorado.

Section 3. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 4. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and

publication shall be authenticated by the signature of the Mayor and the Town Clerk. This ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2023.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

Hannah Hill, Town Clerk

Troy D. Mellon, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2024.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

Hannah Hill, Town Clerk

Troy D. Mellon, Mayor

EXHIBIT A
TDS BROADBAND SERVICE LLC AND
THE TOWN OF JOHNSTOWN, COLORADO
CABLE FRANCHISE AGREEMENT