

CITY OF MEDINA, WASHINGTON

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, GRANTING TO EZEE FIBER WASHINGTON ASSETS, LLC THE RIGHT, PRIVILEGE AND AUTHORITY FOR A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE IN, ACROSS, OVER, ALONG, UNDER, THROUGH AND BELOW THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF MEDINA, WASHINGTON, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 15.06 of the Medina Municipal Code (“MMC”) establishes procedures for granting telecommunications franchises in Medina; and

WHEREAS, Ezee Fiber Washington Assets, LLC (“Ezee Fiber”) has applied for a non-exclusive telecommunications franchise as shown in **Exhibit 1** (the “Proposed Franchise”) that will allow, subject to its terms and conditions, the Franchisee operate within the City’s rights of way; and

WHEREAS, Ezee Fiber has represented to the City that it provides a telephone business as defined by RCW 82.16.010 or acts as a service provider as such term is defined in RCW Section 35.99.010; and

WHEREAS, pursuant to RCW 35A.47.040, the City Council has the authority to grant franchises for telecommunication services in the City’s rights of way; and

WHEREAS, pursuant to Chapter 15.06 MMC, any person who desires to use the right of way for telecommunications facilities must first obtain a franchise from the City Council; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises within the boundaries of the City; and

WHEREAS, the 1934 Communications Act, as amended relating to telecommunications providers recognizes and provides local government authority to manage the public rights-of-way and to require fair and reasonable compensation on a competitively neutral and nondiscriminatory basis; and

WHEREAS, a franchise does not include, and is not a substitute for any other permit, agreement, or other authorization required by the City, including without limitation,

permits required in connection with construction activities in public ways which must be administratively approved by the City after review of specific plans; and

WHEREAS, Ezee Fiber as the Franchisee shall be responsible for its actual costs in using, occupying and repairing public ways; and

WHEREAS, the City and Ezee Fiber desire to effectuate good coordination of the use of the rights-of-way; and

WHEREAS, the City Council is willing to approve the Franchisee's request subject to the terms and conditions in the Proposed Franchise, which both the City Council and the Franchisee reviewed and deemed acceptable; and

WHEREAS, on July 13, 2026, the City Council held first reading of this Ordinance; and

WHEREAS, on July 27, 2026, the City Council held second reading of this Ordinance; and

WHEREAS, on July 27, 2026, the City Council held a duly-noticed public hearing to consider the Proposed Franchise, a report and recommendation by City staff and any public testimony; and

WHEREAS, on July 27, 2026, following the public hearing the City Council at a regular meeting approved the Proposed Franchise by a majority of the entire city council consistent with the requirements of RCW 35A.47.040; and

WHEREAS, the City Council finds that the franchise terms and conditions contained in this Ordinance and the Franchise Agreement are in the public interest; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are hereby adopted as findings in support of this ordinance.

Section 2. Franchise Granted. The City Council approves the Proposed Franchise, as shown in **Exhibit A**, and grants the Franchisee a non-exclusive franchise to provide telecommunication services in, across, over, along, under, through and below the City's rights of way.

Section 3. Deadline for Acceptance. The rights and privileges granted pursuant to this Ordinance shall not become effective until the Franchisee accepts the terms and conditions in the Proposed Franchise. Such acceptance shall be filed with the City Clerk within thirty (30) days after the Effective Date (as defined in Section 7 below), and must

contain: (a) a true and correct copy of the Proposed Franchise executed by the Franchisee; (b) any required letter of credit or other security instrument required under the Proposed Franchise; (c) evidence of insurance required under the Proposed Franchise; and (d) full payment of any applicable application fees pursuant to MMC. Such instrument shall evidence the unconditional acceptance of the terms hereof and a promise to comply with and abide by the provisions, terms and conditions in the Proposed Franchise.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Corrections. Upon the approval of the city attorney, the city clerk is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 7. Effective Date. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title, all as required by law ("Effective Date").

**PASSED BY THE CITY COUNCIL ON THIS XX DAY OF _____, 2026
BY A VOTE OF X FOR, X AGAINST, AND X ABSTAINING, AND IS SIGNED IN
AUTHENTICATION OF ITS PASSAGE ON THE XX DAY OF _____, 2026.**

Jessica Rossman
Mayor

ATTEST/AUTHENTICATED:

Dawn Nations
City Clerk

APPROVED AS TO FORM:
INSLEE, BEST, DOEZIE and RYDER PS

Jennifer S. Robertson
City Attorney

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: XXXX

EXHIBIT A

PROPOSED FRANCHISE

[appears behind this coversheet (27pages)]