ORDINANCE NO. 21-08

AN ORDINANCE OF THE VILLAGE OF POPLAR GROVE, ILLINOIS APPROVING AND AUTHORIZING THE VILLAGE TO GRANT A CABLE FRANCHISE TO COMCAST OF ILLINOIS/INDIANA/OHIO, LLC

WHEREAS, the Village of Poplar Grove, Illinois is an Illinois Municipal Corporation (hereinafter referred to as the "Village"); and

WHEREAS, Section 11-42-11 of the Illinois Municipal Code, 65 ILCS 5/11-42-11, grants municipalities the authority to license, franchise, and tax cable operators; and

WHEREAS, the Village is a "Franchise Authority," as defined in the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. §§521, et seq. (the "Cable Act"); and

WHEREAS, Comcast of Illinois/Indiana/Ohio, LLC (hereinafter referred to as "Comcast") provides cable services throughout Illinois and is able to provide services within the Village through a cable franchise arrangement; and

WHEREAS, the Village and Comcast have reached an accord as to the terms and conditions upon which said cable franchise arrangement will be granted, including the determination of an appropriate franchise fee; and

WHEREAS, the Village and Comcast have memorialized such terms and conditions in a Cable Television Franchise Agreement, a copy of which are attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to enter into said Cable Television Franchise Agreement and to grant a cable franchise, pursuant to all of the foregoing authority, to Comcast, for the purpose of operating a cable system within the Village's boundaries; and

WHEREAS, the Village now desires to approve said Cable Television Franchise Agreement and authorize the Village President to execute and the Village Clerk to attest the same.

NOW, THEREFORE, be it ordained by the Village President and Village Board of Trustees of the Village of Poplar Grove, Illinois as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated in this Section 1 as if said recitals were fully set forth.

Section 2. The Village hereby approves the Cable Television Franchise Agreement attached hereto as Exhibit A, or one in substantially similar form, and hereby authorizes the Village President to execute and the Village Clerk to attest the same, and any other documents necessary or helpful to implement the intent of this Ordinance, and, further, subject to

Comcast's strict compliance with the terms and conditions of such Cable Television Franchise Agreement, grants a cable franchise to Comcast of Illinois/Indiana/Ohio, LLC.

Section 3. The cable franchise granted herein shall be for a term of five (5) years.

Section 4. This Ordinance and Franchise granted herein shall be effective as of _____ __, 2021.

Section 5. This Ordinance shall be effective upon its passage by the Village Board, its approval by the Village President, and its publication as provided by law.

Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 7. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this Village Board hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2021

AS FOLLOWS:

VOTING "AYE": _____

_____

VOTING "NAY": _____

_____

ABSENT, ABSTAIN, OTHER _____

APPROVED_____, 2021

ATTEST:

_____ _____

CLERK PRESIDENT

EXHIBIT A: CABLE TELEVISION FRANCHISE AGREEMENT