

ORDINANCE NO. 2093

AN ORDINANCE granting an extension of the cable television franchise now held by TCI of Southern Washington from November 1, 1996, through November 26, 1997.

WHEREAS, on or about April 21, 1981, the City of Camas adopted Ordinance No. 1429 granting a non-exclusive franchise for the provision of cable television services to Radiant TV, Inc., and

WHEREAS, by Resolution No. 513, the City approved the transfer of the cable television franchise from Radiant TV, Inc., to Cox Cable Vancouver/Clark County, and

WHEREAS, by Resolutions No. 575 and 577, the City approved the transfer of the cable television franchise from Cox Cable Vancouver/Clark County to Columbia Cable of Washington, and

WHEREAS, in 1995, the City approved the change in ownership of Columbia Cable of Washington to TCI/CI Merger Subcorp (later renamed to TCI of Southern Washington), and

WHEREAS, the City adopted Ordinance No. 2035 on September 11, 1995, extending the television cable franchise from April 27, 1996, to November 1, 1996, and

WHEREAS, TCI is currently engaged in franchise renewal processes with the City of Camas, the City of Vancouver, and Clark County, and

WHEREAS, all three governmental agencies have found it beneficial to extend the current franchises for a reasonable period of time in order to promote and facilitate an orderly franchise renewal process, now, therefore,

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

The City hereby approves an extension of the term of the current city cable television franchise held by TCI of Southern Washington for a period ending November 26, 1997.

Section II

This ordinance shall be contingent upon the occurrence of the following:

- a. The City of Camas and TCI entering into a franchise extension agreement under terms and conditions approved by the City.
- b. The passage by the Clark County Board of Commissioners of an appropriate resolution or ordinance approving a comparable extension of TCI's current county franchise.

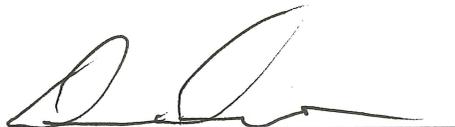
c. The passage by the City of Vancouver of an appropriate ordinance approving a comparable extension of TCI's current franchise.

Section III

This ordinance shall take force and be in effect November 1, 1996.

PASSED by the Council and APPROVED by the Mayor this 28 day of October, 1996.

SIGNED:



Mayor

ATTEST:



Clerk

APPROVED as to form:

  
\_\_\_\_\_  
City Attorney

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MAYOR'S OFFICE

## FRANCHISE EXTENSION AGREEMENT

AN AGREEMENT made between the City of Camas (the "City") and TCI of Southern Washington ("TCI") setting forth certain mutually agreeable terms and conditions for the extension of the cable television franchise originally awarded by the City to Radiant TV, Inc., by Ordinance 1429, and currently held by TCI, which franchise would otherwise expire November 1, 1996.

WHEREAS, the current cable television franchise held by TCI is due to expire November 1, 1996, and

WHEREAS, TCI currently also holds cable television franchises from both the City of Vancouver and from Clark County, which franchises are also due to expire, and

WHEREAS, TCI has requested an extension of the current franchise for a reasonable period of time to facilitate an orderly franchise renewal process, and

WHEREAS, the Vancouver/Clark County Cable Television Commission has recommended that a franchise extension not to extend beyond November 26, 1997, should be granted, and

WHEREAS, Clark County and the City of Vancouver have indicated a willingness to extend the current franchises,

NOW, THEREFORE, the parties agree as follows:

1. Extension. The City and TCI hereby approve an extension of the current city cable television franchise held by TCI for a period commencing November 1, 1996, and terminating November 26, 1997.
2. Franchise Renewal Process. The City and TCI hereby stipulate that the process for

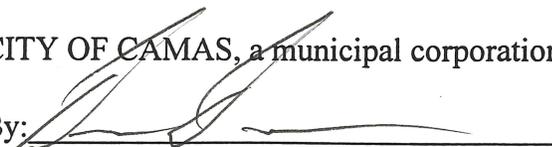
renewal of the current franchise is already underway under the "informal" renewal process provided for by Section 626(h) of the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection Act of 1992. TCI specifically agrees that it will not file a "626 letter" attempting to invoke a new "renewal window" under 47 USC §546(a) on the basis of the City's extension of the current franchise pursuant to the terms of this agreement.

3. Consideration for Extension. In consideration for the grant of the franchise extension provided for by the City in Ordinance No. 2093, TCI agrees to be bound by all terms and provisions of Ordinance No. 1429 as amended by Ordinance No. 2035 of the City of Camas.

4. Choice of Law/Venue. This Agreement shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict laws. Any action or suit brought in connection with this Agreement shall be brought in the Superior Court of Clark County, Washington.

5. Severability of Invalid Provisions. If any provision of this Agreement or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of the Agreement which can be given effect without the invalid provisions or applications and to this end the provisions of this Agreement are declared to be severable.

CITY OF CAMAS, a municipal corporation.

By: 

Dean Dossett, Mayor

Dated: 10/28/96

TCI OF SOUTHERN WASHINGTON  
By: TCI/CI Merger Sub Corp., its managing partner

By:   
David M. Reynolds

Title: President

Dated: October 31, 1996