

ORDINANCE NO. 03-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SANTA CLARITA, CALIFORNIA, AUTHORIZING THE  
CITY MANAGER TO SIGN AN AMENDMENT TO THE  
CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE  
CITY OF SANTA CLARITA AND TIME WARNER ENTERTAINMENT -  
ADVANCE/NEWHOUSE

WHEREAS, on August 11, 1987, pursuant to Ordinance No. 87-0134F, the Board of Supervisors of the County of Los Angeles granted to American Television and Communications, Inc. a license to construct, operate, and maintain a cable television system ("ATC License"), such license to expire on November 7, 2003; and

WHEREAS, on December 15, 1987 the City of Santa Clarita was incorporated, and its jurisdiction includes that portion of the ATC License within the boundaries of the City (the "Franchise"); and

WHEREAS, on July 14, 1988, pursuant to Ordinance No. 88-28, the City Council of the City of Santa Clarita amended Ordinance No. 87-0134F to clarify and reflect the new circumstances, being that the franchisee operates in part of the City of Santa Clarita and part of the unincorporated area of Los Angeles County; and

WHEREAS, from time to time the Franchise was transferred or control of the Franchise was changed, and now rests with Time Warner Entertainment - Advance/Newhouse (the "Franchisee"); and

WHEREAS, the Franchisee (as a successor-in-interest) requested the commencement of proceedings for the renewal of the Franchise in accordance with Section 626 (a)(1) of the Cable Act; and

WHEREAS, the Parties continue to negotiate informally the terms and provisions of a renewal of the Franchise, but have yet to finalize informal negotiations and resolve certain issues; and

WHEREAS, according to the Santa Clarita Municipal Code, a Franchise must be granted by ordinance of the City Council, which ordinance requires two readings and thirty (30) days before becoming effective.

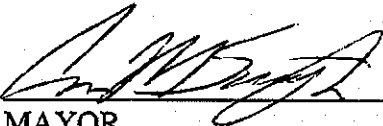
THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. EXTENSION AUTHORIZED. The Mayor of the City of Santa Clarita is hereby authorized to sign an extension, in substantially the same form as is attached hereto as Exhibit A, to the cable television franchise agreement between the City of Santa Clarita and the Franchisee.


SECTION 2. SEVERABILITY. The City Council hereby declares that the provisions of this Ordinance are severable and if for any reason a court of competent jurisdiction shall hold any sentence, paragraph, or section of this Ordinance to be invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 3. NOTICE OF ADOPTION. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED AND ADOPTED this 28<sup>th</sup> day of October, 2003.

  
MAYOR

ATTEST:

  
CITY CLERK


STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) ss.  
CITY OF SANTA CLARITA         )

I, Sharon L. Dawson, CMC, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Ordinance No. 03-15 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 14<sup>th</sup> day of October, 2003. That thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council on the 28<sup>th</sup> day of October, 2003, by the following vote, to wit:

AYES:           COUNCILMEMBERS: Ferry, McLean, Weste, Kellar

NOES:           COUNCILMEMBERS: None

ABSENT:         COUNCILMEMBERS: Smyth

  
CITY CLERK

**EXHIBIT A**

**THIS AMENDMENT** is made and entered into as of the 28th day of October 2003, between the CITY OF SANTA CLARITA a municipal corporation ("City"), and TIME WARNER ENTERTAINMENT- ADVANCE/NEWHOUSE ("Franchisee"). City and Franchisee are sometimes collectively referred to herein as the "Parties."

In consideration of the mutual benefits accruing to the Parties as set forth herein, and for other valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

**A.** The term of the Franchise Agreement is hereby amended to extend the term of the Franchise Agreement through and including April 30, 2004.

**B.** All other terms and conditions of the Franchise Agreement shall remain in full force and effectiveness during this extension.

**C.** Neither the City nor the Franchisee by action of this Amendment waive or alter any rights for renewal of the Franchise or rights to deny renewal of the Franchise which either Party may have, including but not limited to those rights provided by the Cable Act.

**D.** The person or persons executing this Amendment on behalf of Franchisee warrants and represents that he/she has the authority to execute this Amendment on behalf of Franchisee and has the authority to bind Franchisee to the performance of its obligations hereunder.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to be executed as of the day and year first above written.

**CITY OF SANTA CLARITA**

**FRANCHISEE (two signatures)**

By: \_\_\_\_\_  
Ken Pulskamp, City Manager

By: \_\_\_\_\_  
(Signature)

Attest:  
  
\_\_\_\_\_  
Sharon Dawson, City Clerk

\_\_\_\_\_  
(Typed Name)

Its: \_\_\_\_\_

Approved As to Form:  
  
\_\_\_\_\_  
Carl Newton, City Attorney

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed name)

Its: \_\_\_\_\_  
(Title)

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES       ) ss.  
CITY OF SANTA CLARITA         )

CERTIFICATION OF  
CITY COUNCIL ORDINANCE

I, Sharon L. Dawson, City Clerk of the City of Santa Clarita, do hereby certify that this is a true and correct copy of the original Ordinance No. 03-15, adopted by the City Council of the City of Santa Clarita, CA on October 28, 2003, which is now on file in my office.

Witness my hand and seal of the City of Santa Clarita, California, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sharon L. Dawson, CMC  
City Clerk

By \_\_\_\_\_  
Susan Coffman  
Deputy City Clerk