

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 3280

**AN ORDINANCE AGREEING TO AMEND, RENEW AND EXTEND THE
CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF HTC
COMMUNICATIONS CO., IN THE CITY OF COLUMBIA, ILLINOIS
UNDER SUCH TERMS PROVIDED HEREIN UNTIL SEPTEMBER 30,
2021**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 15th day of August, 2016**

Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 16th day
of August, 2016.

AUG 15 2016

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City Clerk

WHEREAS, HTC Communications Co. ("HTC") currently provides cable service in Columbia, Illinois ("City") under a non-exclusive Franchise (the "Franchise"), granted to HTC by the City pursuant to the passage of Ordinance No. 2842 on February 7, 2011; and an extension of the franchise was granted to HTC by the City pursuant to the passage of Ordinance 3235 for a period until September 30, 2016, collectively the "HTC Franchise"; and

WHEREAS, HTC and the City wish to amend, renew and extend the existing franchise by providing an additional 5-years to the current franchise term and as modified by this ordinance; and

WHEREAS, it is in the public interest to grant this Franchise renewal for the term so requested.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COLUMBIA, ILLINOIS, AS FOLLOWS:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The non-exclusive HTC Franchise is hereby amended to change its expiration date to September 30, 2021 effective upon acceptance as provided herein; PROVIDED, that nothing in this ordinance shall be deemed to authorize operation of cable services within the City prior to the effective date and acceptance of this ordinance; and operation in the rights-of-way without a valid and binding franchise at any time shall be subject to such penalties and remedies as set forth in the Cable Ordinance and as otherwise permitted by law; and failure of the conditions subsequent shall cause the authority granted herein to be null and void.

Section 3. The requirements for maintaining a letter of credit and insurance certificates pursuant to the HTC Franchise and as incorporated in this Ordinance shall be deemed satisfied only upon: (1) delivery to the City of an otherwise conforming original letter of credit for a period not less than the full term of the Franchise, (2) any proposed changes to the letter of credit thereafter must be approved in writing by the City prior to their effective date, (3) certificates of insurance must include all insurance coverages set forth in the Franchise and incorporated code and shall clearly show the City as an additional insured. The City Administrator or designees shall be authorized to determine whether these requirements have been satisfied, and compliance

by Franchisee to the requirements herein shall be deemed among the material terms of the Franchise.

Section 4. All other terms and provisions of the Franchise not changed hereby are to remain in full force and effect and are incorporated herein.

Section 5. The Franchise authority as granted to HTC by the City hereby, shall take effect only upon the execution by HTC of an unconditional "Acceptance of City of Columbia Cable Service Franchise Amendment, Renewal and Extension" document, in the form attached hereto as **EXHIBIT A**, delivered to the City Clerk of the City of Columbia, Illinois, on or before **September 30, 2016**, which acceptance documentation shall be duly acknowledged before a Notary Public in good standing.

Section 6. This ordinance shall be in full force and effect following its passage and publication in pamphlet form, as provided by law.

Alderman Martens moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Reis, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Reis, Holtkamp
and Martens.

NAYS: None.

ABSENT: None.


ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 15th day of August, 2016



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly appointed and acting City Clerk of the City of Columbia, Illinois.

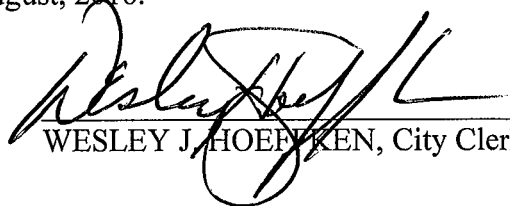
I further certify that on the 15th day of August, 2016, the Corporate Authorities of the City of Columbia, Illinois, passed and approved Ordinance No. 3280 entitled:

AN ORDINANCE AGREEING TO AMEND, RENEW AND EXTEND THE CURRENT NON-EXCLUSIVE CABLE SERVICE FRANCHISE OF HTC COMMUNICATIONS CO., IN THE CITY OF COLUMBIA, ILLINOIS UNDER SUCH TERMS PROVIDED HEREIN UNTIL SEPTEMBER 30, 2021

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3280, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Columbia City Hall, commencing on August 16, 2016 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the City Clerk.

DATED at Columbia, Illinois this 15th day of August, 2016.


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

I, Wesley J. Hoeffken, hereby certify that I am the duly appointed and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City; and

I do further certify that City of Columbia, Illinois Ordinance No. 3280, entitled:

**AN ORDINANCE AGREEING TO AMEND, RENEW AND
EXTEND THE CURRENT NON-EXCLUSIVE CABLE SERVICE
FRANCHISE OF HTC COMMUNICATIONS CO., IN THE CITY
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HEREIN UNTIL SEPTEMBER 30, 2021**

to which this certificate is attached is a true, perfect complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois, City Council held on the 15th day of August, 2016.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this the 15th day of August, 2016.


WESLEY J. HOFFKEN, City Clerk

(SEAL)

EXHIBIT A

ACCEPTANCE OF CITY OF COLUMBIA CABLE SERVICE
FRANCHISE AMENDMENT, RENEWAL AND EXTENSION

Now, this 15th day of August, 2016, HTC Communications Co. ("HTC"), having been advised by the City of Columbia, Illinois ("City"), that the Mayor and Members of the City Council on the 15th day of August, 2016 did enact Ordinance No. 3280 ("Franchise Ordinance"), wherein the City agreed to extend HTC's current Cable Service Franchise until September 30, 2021, so that the expiration date is changed from September 30, 2016 to an amended expiration date of September 30, 2021 and subject to such provisions of such Ordinance, and as a condition to the granting thereof the undersigned does hereby unconditionally and fully accept the Franchise Ordinance and all terms, conditions and provisions thereof, and agrees to fully comply therewith.

FRANCHISEE:

HTC COMMUNICATIONS CO.

By: Craig A. Hern

Name: Craig A. Hern

Title: Vice President of Operations

(SEAL)

ATTEST:

By: Andrea C. Stallings

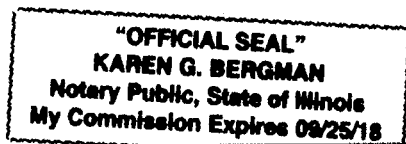
Assistant Treasurer

STATE OF ILLINOIS)
) ss
COUNTY OF MONROE)

I, the undersigned, a Notary Public in and for said county and State aforesaid, DO HEREBY CERTIFY that Craig A. Hern and Andrea C. Stallings, the Vice President of Operations and Asst. Treasurer of HTC, personally known to be the same persons whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and sealed this document as their free and voluntary act and the free and voluntary act of HTC, and that they were fully and duly authorized by HTC to so subscribe, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 23rd day of September, 2016.

(Seal)



Karen G. Bergman
Notary Public