

**ORDINANCE NO. 10
SERIES 2009**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AUTHORIZING THE RENEWAL OF THE EXISTING CABLE FRANCHISE AGREEMENT HELD BY TIME WARNER NY CABLE LLC, DOING BUSINESS AS TIME WARNER CABLE; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY OF GUNNISON, THE CABLE FRANCHISE AGREEMENT.

WHEREAS, pursuant to the affirmative votes of the eligible City of Gunnison municipal electors at a special election held November 2, 1982, and a regular election held May 14, 1985, the City of Gunnison has previously granted a non-exclusive franchise for the construction, maintenance, and operation of a cable television system within the City of Gunnison; and

WHEREAS, Time Warner NY Cable LLC, doing business as Time Warner Cable, is the holder of said franchise and operates the cable television system within the City of Gunnison; and

WHEREAS, the City Council is authorized to renew the previously authorized franchise for an additional term; and

WHEREAS, Time Warner NY Cable LLC, doing business as Time Warner Cable, is seeking a renewal of its cable television franchise, and an Agreement renewing the franchise acceptable to both the City of Gunnison and Time Warner NY Cable LLC has been prepared; and

WHEREAS, pursuant to public notice, the City Council of the City of Gunnison conducted a public hearing on the renewal Agreement for the cable television system franchise on December 1, 2009; and

WHEREAS, the City Council of the City of Gunnison hereby finds that the public has had adequate notice and opportunity to comment upon the proposed cable television system franchise renewal; and

WHEREAS, the City Council hereby finds that it would serve the public interest of the citizens of the City of Gunnison to renew the cable television franchise to Time Warner NY Cable LLC pursuant to the terms of said renewal Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. The City Council of the City of Gunnison, Colorado, hereby renews the non-exclusive cable franchise by and between the City of Gunnison, Colorado, and Time Warner NY Cable LLC pursuant to the terms of the Cable Franchise Agreement for a term of ten (10) years, which Agreement is incorporated herein by this reference.

Section 2. The City Council of the City of Gunnison hereby authorizes the Mayor and City Clerk of the City of Gunnison to execute said Agreement on behalf of the City of Gunnison.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 8th day of December, 2009, on first reading, and introduced, read, and adopted on second and final reading this 22nd day of December, 2009.

(SEAL)

Mayor

ATTEST:

City Clerk

Published in Full in the Gunnison Country Times Newspaper
December 17, 2009