**CITY OF LAS ANIMAS,**

**COLORADO**

**ORDINANCE NO. 741**

**AN ORDINANCE OF THE CITY OF LAS ANIMAS COLORADO Approving a Cable Franchise Agreement with Spectrum Pacific West, LLC an Indirect Subsidiary of Charter Communications, Inc.**

WHEREAS, the City of Las Animas, Colorado (the “City”) is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate, maintain, construct and build cable systems within the boundaries of the City; and

WHEREAS, Spectrum Pacific West, LLC (the “Company”) has indicated a desire to negotiate a cable television franchise agreement (the “Agreement”) with the City; and

WHEREAS, the City has a legitimate and necessary role in ensuring the availability of cable service and reliability of cable systems in its jurisdiction, the availability of local programming, and quality customer service; and

WHEREAS, the City Council of the City of Las Animas (the “City Council”) desires to grant to the Company, and the Company desires to accept the terms and conditions set forth herein for the use of City-owned rights of way and easements, and rights of way and easements dedicated and accepted for public use, installing and operating a cable system in the City, in accordance with applicable laws and provisions of the Agreement between the City and the Company; and

WHEREAS, the City has identified the future cable-related needs and interests of the City and its citizens, has considered the financial, technical and legal qualifications of the Company, and has determined that the Company’s plans for constructing, operating, maintaining, reconstructing and rebuilding its system within the City are adequate; and

WHEREAS, the public has had adequate notice and opportunity to comment on the Company’s proposal to provide cable television services within the City; and

WHEREAS, the City Council has determined it is in the best interest of the City and the community to grant a franchise to the Company for the term provided in the Agreement; and

WHEREAS, following notice and a public hearing as required by law, the City Council finds and determines that it is in the best interest of the inhabitants of the City that a nonexclusive, revocable franchise be granted to the Company in accordance with the terms, conditions and limitations contained in the Cable Franchise Agreement between the City and the Company.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO AS FOLLOWS:**

Section 1. Grant of Nonexclusive, Revocable Franchise. The City of Las Animas, Colorado hereby approves the Cable Franchise Agreement between the City of Las Animas, Colorado and Spectrum Pacific West, LLC an indirect subsidiary of Charter Communications, Inc. in the form attached as ***Exhibit 1***.

Section 2. Term. The term of the franchise granted by the City pursuant to this Ordinance shall be for a period of ten (10) years from and after the effective date unless sooner terminated pursuant to law.

Section 3. Effective Date. The franchise granted pursuant to this Ordinance together with the rights, privileges and authorities granted thereby shall take effect and be enforced from and after 30 days following publication of this Ordinance.

Section 4. Franchise Area. The franchise area is that area within the jurisdictional boundaries of the City of Las Animas, Colorado including any areas annexed by the City during the term of the franchise.

Section 5**.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 6. Safety. This Ordinance is deemed necessary for the protection of the public health, safety, and welfare.

**INTRODUCED AND PASSED ON FIRST READING THIS 13th DAY OF FEBRUARY, 2024.**

**INTRODUCED, PASSED, ADOPTED, AND ORDERED PUBLISHED THIS 12th DAY OF MARCH, 2024.**

CITY OF LAS ANIMAS, COLORADO

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Ron Clodfelter, Mayor

ATTEST:

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Angela Kelly, City Clerk