

ORDINANCE NO. 2004-64

04 NOV 12 PM 2 00
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK

FILED

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

**AN EMERGENCY ORDINANCE AMENDING ORDINANCE
NO. 94-23 AND GRANTING A SEVEN (7) YEAR
EXTENSION OF THE FRANCHISE HELD BY TCA CABLE
PARTNERS ("TCA"), D/B/A COX COMMUNICATIONS, ITS
SUCCESSORS AND ASSIGNS, FOR THE CONSTRUCTION,
MAINTENANCE AND OPERATION OF A COMMUNITY
ANTENNA SYSTEM AND LINES OF TELEVISION COAXIAL
CABLES, INCLUDING POLES, WIRES, AND FIXTURES
WHERE NECESSARY UPON, ALONG, THROUGH AND
OVER AND UNDER STREETS, ALLEYS, BRIDGES AND
OTHER PUBLIC PLACES OF WASHINGTON COUNTY,
ARKANSAS.**

WHEREAS, pursuant to Ordinance No. 92-26, passed and approved on September 14, 1992, Washington County previously granted a cable franchise to Warner Cable Communications; and,

WHEREAS, pursuant to Ordinance No. 94-23, passed and approved on August 17, 1994, Washington County previously granted a cable television franchise (the "Franchise") to Texas Community Antennas, Inc. (TCA); and,

WHEREAS, both cable television franchises granted by Ordinance No. 92-26 and Ordinance No. 94-23 are now held by TCA Cable Partners. ("Cox"); and,

WHEREAS, Ordinance No. 92-26 is scheduled to expire on September 13, 2004; and,

WHEREAS, Ordinance No. 94-23 is scheduled to expire on October 1, 2004; and,

WHEREAS, Cox is the current holder of the rights and privileges granted pursuant to the franchise and has requested a ten (10) year extension of the franchise in accordance with Ordinance No. 94-23, Section III; and,

WHEREAS, Washington County has determined that Cox is in compliance with Ordinance No. 92-26 and Ordinance No. 94-23, and that granting Cox a seven (7) year extension of the Franchise is in the best interest of the citizens and residents of Washington County; and,

WHEREAS, the Quorum Court of Washington County has determined that it is reasonable and in the best interest of both, Washington County and Cox, to consolidate all franchise agreements between TCA Cable Partners, d/b/a Cox Communications, and Washington County, allowing Ordinance No. 94-23, as amended

responsibility for the content of the programming, unless lawfully required.

Grantee reserves the sole right to name the channel(s) the meetings will air on, as well as any changes to any channel allocation going forward. Currently Grantor's Quorum Court meetings are broadcast live on one of the channels allocated to the City of Fayetteville. If the City agrees to allow said broadcast to continue, the Grantee shall continue to broadcast on said channel. Grantee reserves the right to allocate which channels will be dedicated to the City. In the event the City should decide it does not wish to convey the Quorum Court meetings, the Grantor will see that they are broadcast on another channel.

SECTION THREE: Repealing Clause. All other ordinances and parts of ordinance in conflict herewith are hereby repealed; otherwise all remaining provisions of Ordinance No. 94-23 remain in full force and effect; specifically, but not limited to, the provision of service to the rural fire departments if economically and technically feasible.

SECTION FOUR: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

SECTION FIVE: Effective Date. This ordinance shall be in full force and affect from and after the date of its passage.

SECTION SIX: Emergency Clause. It is hereby declared that in order to preserve the health, safety and welfare of the citizens of Washington County, that the County Council expressly recognizes that an emergency exists and declares that the provisions of this ordinance shall be in full force and effect.



JERRY HUNTON, County Judge

11-12-04
DATE



KAREN COMBS PRITCHARD, County Clerk

Sponsor: Earvel Fraley
Date of Passage: November 11, 2004
Votes For: 13 Votes Against: 0
Abstentions: 0 Absent: 0

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under this Ordinance, to be the surviving agreement between TCA Cable Partners, d/b/a Cox Communications and Washington County; and,

WHEREAS, except as amended hereby, the surviving Franchise, Ordinance No. 94-23 shall remain in full force and shall cover all unincorporated areas of Washington County where TCA Cable Partners, d/b/a Cox Communications, currently provides services as well as other unincorporated areas of Washington County where TCA Cable Partners, d/b/a Cox Communications may extend services to in the future; and,

WHEREAS, all other franchise agreements, including but not limited to Ordinance No. 92-26, shall terminate at the date of their expiration, or upon the passage and publication of this ordinance, whichever date comes first; and,

WHEREAS, the Quorum Court has determined the need to amend Ordinance No. 94-23.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS:

SECTION ONE: Ordinance No. 94-23 is hereby amended to read as follows:

Extension of Non-Exclusive Franchise. The Franchise is hereby extended for an additional seven years (7) years, ending on the 30th day of September, 2011, except that the franchise shall automatically renew for successive seven (7) year terms, unless written notification to negotiate new terms is provided by either party at least 180 days prior to the Franchise expiration date, and any extended expiration date. And, that all other franchise agreements between TCA Cable Partners, d/b/a Cox Communications, and Washington County, Arkansas, are hereby terminated.

SECTION TWO: Ordinance No. 94-23 is hereby amended to read as follows:

SECTION XVI
SUPPORT OF PUBLIC ACCESS

- A. Grantee shall provide, at no cost, access to Grantees cable television system in order that Washington County may air Washington County public meeting(s) live over the cable television system throughout Washington County where Cox provides services. Grantee will continue to support the existing connectivity currently being used to transport the signal live from the Quorum Court meeting room to the City of Fayetteville's access facility.

Grantee shall bear no responsibility for the production of the Quorum Court meeting(s) other than supporting the existing connectivity, which allows the Quorum Court meetings to be aired on the cable television system. Grantee shall bear no