

ORDINANCE NO. CO-2010-08

**AN ORDINANCE AMENDING SECTION 3(b) OF
THE VILLAGE ORDINANCE NUMBER CO-93-8
(AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE
TO TCI OF ILLINOIS, INC. FOR THE ESTABLISHMENT, CONSTRUCTION,
OPERATION AND MAINTENANCE OF CABLE TELEVISION SYSTEM IN THE
VILLAGE OF MAYWOOD) DATED DECEMBER 9, 1993, FOR PURPOSES OF
EXTENDING THE TERM OF THE FRANCHISE UNTIL DECEMBER 31, 2010**

WHEREAS, the Village President and Board of Trustees of the Village of Maywood approved Village Ordinance Number CO-93-8 (An Ordinance Granting A Non-Exclusive Franchise to TCI of Illinois, Inc. For The Establishment, Construction, Operation and Maintenance of Cable Television System in the Village of Maywood) dated December 9, 1993, which created the existing non-exclusive cable television franchise agreement between the Village and TCI of Illinois, Inc. for purposes of the Grantee providing cable television to the Maywood residents and paying a 5% franchise fee to the Village (the "Franchise Agreement"). The current Franchise Agreement established by Ordinance Number CO-93-8 terminates on July 1, 2010; and

WHEREAS, Comcast of California/Colorado/Illinois/Indiana/Michigan, LP is the successor-in-interest to TCI of Illinois, Inc. ("Comcast") and has requested that the Village enter into a "Renewal Franchise Agreement;" and

WHEREAS, the Village and Comcast agree to extend the July 1, 2010 expiration date for the current Franchise Agreement in order to provide adequate additional time to negotiate the terms and provisions of the Renewal Franchise Agreement; and

WHEREAS, the Village President and Board of Trustees of the Village of Maywood have the authority to amend Village Ordinance Number CO-93-8 pursuant to their home rule powers and the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. §§ 521 et seq. (the "Cable Act") as well as the Illinois Level Playing Field Act, 65 ILCS 5/11-42-1 et seq. and the home rule authority of the Village of Maywood set forth in Article VII, Section 6 of the Illinois Constitution of 1970 and the contractual powers of Article VII, Section 10 (a) of the Illinois Constitution of 1970; and

WHEREAS, the Village President and Board of Trustees of the Village of Maywood, having discussed the negotiation of a Renewal Franchise Agreement with Comcast and find that the amendment of Village Ordinance Number CO-93-8 as set forth below is in the best interests of the Village, its residents, property owners, business owners and the general public.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: Section 3(b) of Ordinance Number CO-93-8 is amended to read in its entirety as follows:

"(b) The term of the grant shall be fifteen (15) years, plus five additional months. The term shall commence on July 1, 1995 and terminate on December 31, 2010."

SECTION 3: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 4: Each section, paragraph, clause and provision of this Ordinance is severable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 5: Except as to the amendments set forth above in this Ordinance, all provisions and sections of Ordinance Number CO-93-8, as amended, shall remain in full force and effect.

SECTION 5: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication as required by law.

ADOPTED this 18th day of May, 2010, pursuant to a roll call vote as follows:

AYES: Mayor Henderson Yarbrough Sr., Trustee(s) G. Guzman, M. Scaggs, D. Flowers, M. Lightford and K. Johnson

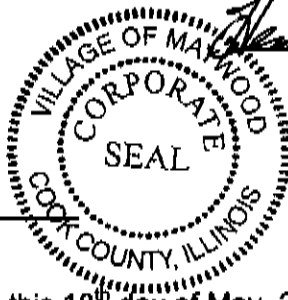
NAYS: None

ABSENT: Trustee A. Jaycox

APPROVED by me this 18th day of May, 2010 and attested by the Village Clerk that same day.

ATTEST:

Gary Woll
VILLAGE CLERK



Henderson Yarbrough Sr.
VILLAGE PRESIDENT

Published by me in pamphlet form this 18th day of May, 2010.

Gary Woll
VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gary Woll, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the annexed and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

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AN ORDINANCE AMENDING SECTION 3(b) OF
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(AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE
TO TCI OF ILLINOIS, INC. FOR THE ESTABLISHMENT, CONSTRUCTION,
OPERATION AND MAINTENANCE OF CABLE TELEVISION SYSTEM IN
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OF EXTENDING THE TERM OF THE FRANCHISE UNTIL DECEMBER 31, 2010**

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 18th day of May, 2010, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 18th day of May, 2010.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

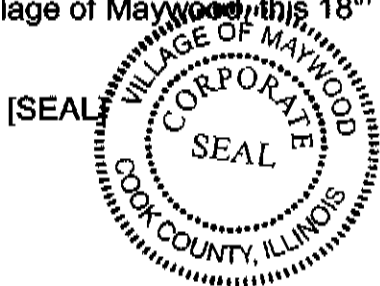
AYES: Mayor Henderson Yarbrough Sr., Trustee(s) G. Guzman, M. Scaggs,
D. Flowers, M. Lightford and K. Johnson

NAYS: None

ABSENT: Trustee A. Jaycox

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 18th day of May, 2010.



Gary Woll

Village Clerk