

ORDINANCE NO. 2024-021

AN ORDINANCE APPROVING THE GRANT OF A CABLE FRANCHISE TO COMCAST COLORADO IX, LLC, AND AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN COMCAST COLORADO IX, LLC, AND THE TOWN OF CASTLE ROCK

WHEREAS, the Town of Castle Rock, Colorado (the “Town”) is authorized generally pursuant to Article XX of the Colorado Constitution, as well as § 31-15-702, C.R.S, to regulate and manage the use, maintenance, and repair of public streets, roads, sidewalks, and public places under its jurisdiction; and

WHEREAS, pursuant to Section 14-2 of the Charter of the Town of Castle Rock (the “Charter”), the Town may grant nonexclusive franchises to cable television providers granting them right to use the public right-of-way for the installation, maintenance, and repair of their facilities; and

WHEREAS, the Town previously granted a non-exclusive franchise for the construction, maintenance, and operation of a cable television system within the Town to Comcast of Colorado X, LLC; and

WHEREAS, Comcast of Colorado IX, LLC is the successor in interest to Comcast of Colorado X LLC, locally known as Comcast (“Comcast”); and

WHEREAS, Comcast is agreeable to continue providing cable television service in the Town; and

WHEREAS, Comcast seeks a new cable television franchise, and a proposed new Cable Franchise Agreement acceptable to both the Town and Comcast has been prepared (the “Agreement”); and

WHEREAS, the Town has reviewed Comcast’s performance under the prior franchise and the quality of service during the prior franchise term, had identified the future cable-related needs and interests of the Town and its citizens, has considered the financial, technical, and legal qualifications of Comcast, and has determined that Comcast plans for operating and maintaining its Cable Systems are adequate, in a full public proceeding affording due process to all parties; and

WHEREAS, the public has had adequate notice and opportunity to comment on Comcast’s proposal to provide cable television service within the Town; and

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

WHEREAS, diversity in cable service programming is an important policy goals and Comcast’s cable system should offer a wide range of programming services; and

WHEREAS, the Town Council for the Town of Castle Rock, Colorado (the “Council”) has considered this Ordinance authorizing the cable television system franchise and the Agreement; and

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

WHEREAS, the Council hereby finds that it serves the public interest of the citizens of the Town to grant a cable television franchise to Comcast pursuant to the terms of the Agreement; and

WHEREAS, the Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Grant of Franchise. The Town hereby grants to Comcast of Colorado IX, LLC a nonexclusive Cable Franchise subject to the terms and conditions set forth in the Cable Franchise Agreement between Comcast Colorado IX, LLC, and the Town of Castle Rock, Colorado.

Section 2. Franchise Agreement. The Cable Franchise Agreement between Comcast Colorado IX, LLC, and the Town of Castle Rock, Colorado, is hereby approved in substantially the same form as presented at tonight’s meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Agreement and any technical amendments thereto by and on behalf of the Town.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this Ordinance.

Section 4. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 1st day of October, 2024, by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 15th day of October, 2024, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to Content:

Michael J. Hyman, Town Attorney

Kristin Read, Assistant Town Manager