

**CITY OF FLORENCE
ORDINANCE NO. 5, SERIES 2019**

An Ordinance repealing Ordinance No. 19, Series 2008, an ordinance granting a non-exclusive franchise to CoastCom, Inc. to operate and maintain a telecommunications system within the City limits of Florence, and repealing Ordinance No. 12, Series 2016, an ordinance approving the assignment of the non-exclusive franchise to Astound Broadband, LLC, and declaring an emergency.

RECITALS:

1. On September 22, 2008, the Florence City Council adopted Ordinance No. 19, Series 2008, granting a non-exclusive franchise to CoastCom, LLC, to operate and maintain a telecommunications system within the City limits of Florence.
2. The franchise and the rights, privileges and authority granted within it contained an initial term of five (5) years, with an expiration of September 22, 2013.
3. On August 15, 2016 the Florence City Council adopted Ordinance No. 12, Series 2016, authorizing the assignment of the franchise from CoastCom, LLC to Astound Broadband, LLC and extending the expiration date of the franchise to August 15, 2017.
4. The City of Florence and representatives from Astound Broadband dba Wave, a Washington limited liability company have been negotiating new franchise terms since 2017.
5. The terms of the original 2008 franchise agreement have applied to the use of the right-of-way by Astound Broadband during the franchise negotiations.
6. On March 20, 2017, the Florence City Council passed Ordinance No. 5, Series 2017, amending Florence City Code Title 8 by Adding Chapter 7: Right of Way Management for Governing the Use and Occupation of the Public Right of Way by Communications Providers and Establishing an Application Process, Fees, and Terms for Such Use.
7. Title 8, Chapter 7: Right of Way Management establishes regulations that apply to all Communications Providers who use or occupy the Public Rights of Way to provide Communications Services to Persons within the City, provides general provisions to Communications Providers, and establishes the process for obtaining a franchise agreement.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Ordinance No. 19, Series 2008, an ordinance granting a non-exclusive franchise to CoastCom, LLC to operate and maintain a telecommunications system within the City limits of Florence, shall be repealed.
2. Ordinance No. 12, Series 2016, an ordinance amending Ordinance No.19, Series 2008 and approving the assignment of a non-exclusive telecommunications franchise, shall be repealed.

3. The negotiated franchise agreement with Astound Broadband dba Wave, a Washington limited liability company, shall be granted by Resolution.
4. The Council declares an emergency and as such this ordinance shall take effect at a date earlier than the thirtieth day after its enactment as set out in City Charter Section 31. This Ordinance shall become effective upon adoption.
5. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.


ADOPTION:

First Reading on the 20th day of May, 2019.

Second Reading on the 20th day of May, 2019

This Ordinance is passed and adopted on the 20th day of May, 2019.

AYES	5	Councilors Woodbury, Preisler, Greene, Lucio and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder