

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
RESOLUTION NO: 2012-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA APPROVING AND ADOPTING THE TRANSFER OF EXTENSION ONE TO THE EXISTING CABLE TELEVISION LICENSE WITH COXCOM, LLC, (FORMERLY COXCOM, INC.) D/B/A COX COMMUNICATIONS (“COMPANY”) FOR CABLE SERVICE IN THE CITY OF WILLCOX (“MUNICIPALITY”) TO VALLEY CONNECTIONS, LLC, DIRECTING STAFF TO FORMALIZE A NEW AGREEMENT AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, the MUNICIPALITY is authorized pursuant to A.R.S. § 9-240 (B) and A.R.S. § 9-506 (G) to manage the streets, alleys, avenues and sidewalks of the city and to improve same; and

WHEREAS, the MUNICIPALITY has the authority to issue a License and to regulate the construction, operation and maintenance of cable television systems pursuant to Title 9, Chapter 5, Article 1.1 A.R.S. §§ 9-501; 9-505; 9-506; 9- 507; 9-508; and 9-583; and

WHEREAS, Title 9, Chapter 5, Article 1.1 A.R.S. § 9-508 enumerates the requirements for a License before construction and the provisions for existing licenses for “existing cable television systems” as that term is defined in A.R.S. § 9-505(5); and

WHEREAS, A.R.S. § 9-508 (B) provides that existing licenses for “existing cable television systems” for a fixed term of years shall be in compliance with the Article for the term of such License; and

WHEREAS, A.R.S. § 9-508 (D) provides that nothing in this section shall preclude a licensing authority from amending a license to bring the license into conformance with the applicable rules and regulations of the federal communications commission; and

WHEREAS, A.R.S. § 9-506 (H) empowered the MUNICIPALITY to renew or extend a license, like the existing Cox License, in effect on September 21, 2006 that would not be subject or be subject to the provisions of the amendment to this section depending upon the dates of renewal or extension; and

WHEREAS, the COMPANY proposed EXTENSION ONE to the existing License for a period of SIX (6) months and the MUNICIPALITY so approved it at the December 5th, 2011 Council Meeting; and

WHEREAS, the COMPANY and VALLEY CONNECTIONS, LLC have agreed to the sale/purchase/transfer of the FRANCHISE and pursuant to Section 4.4 “Conditions of Sale” and Section 4.5 “Transfer of Franchise”, such transaction requires the Consent of the “Franchising Authority” which is the MUNICIPALITY; and

WHEREAS, the Mayor and Council of the City of Willcox, Cochise County, Arizona have determined that it is in the best interest of the CITY and its citizens to approve and adopt the Transfer of the FRANCHISE and EXTENSION ONE for the FRANCHISE LICENSE as presented; and

WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Willcox, Cochise County, Arizona, that an emergency be declared to exist to assure timely and immediate extension of the License, and that this Resolution be effective immediately upon its passage and adoption.

BE IT RESOLVED by the Mayor and Council of the City of Willcox, Cochise County, Arizona, that the City hereby formally approves the Transfer of the Franchise License and EXTENSION ONE from the COMPANY to Valley Connections, LLC and authorizes the Mayor to execute this Resolution and directs the City Staff to carry out the intent of this Resolution.

BE IT FURTHER RESOLVED by the Mayor and Council that, due to an existing emergency declared herein, the immediate effectiveness of this Resolution is necessary to preserve the peace, health, and safety of the City of Willcox, Cochise County, Arizona, and this Resolution shall therefore be effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Willcox, Cochise County, Arizona this 6th day of February, 2012

APPROVED/EXECUTED

/S/ MONIKA S. CRONBERG
~~MAYOR, GERALD W. LINDSEY~~
Vice Mayor Monika S. Cronberg

ATTEST:

APPROVED AS TO FORM:

/s/ Cristina Garcia Whelan, CMC
City Clerk, Christina Garcia Whelan, CMC

/s/ Hector M. Figueroa
City Attorney, Hector M. Figueroa, Esq.

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