

ORDINANCE

24-02

AN ORDINANCE OF THE SILVERTON CITY COUNCIL GRANTING A TERM EXTENSION FOR THE EXISTING NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE WITH LIGHTSPEED NETWORKS, INC., DECLARING AN EMERGENCY, AND STATING AN EFFECTIVE DATE

WHEREAS, City Council validly passed a franchise agreement between the City and Lightspeed Networks, Inc. on March 5, 2018, via Ordinance No. 18-07, and Lightspeed Networks, Inc. subsequently accepted the same on March 13, 2018 (collectively, the “Franchise”); and

WHEREAS, the current Franchise term is five (5) years from the effective date; and

WHEREAS, notwithstanding the foregoing, the City and Lightspeed Networks, Inc. have continued to act and operate pursuant to the terms and conditions of the Franchise, and fully intend for the extension and continuance of all terms and conditions; and

WHEREAS, the City and Lightspeed Networks, Inc. now desire to extend the term of the Franchise to expire in 2025; and

WHEREAS, per Silverton Municipal Code Section 12.40.430, the City determines that a new application and grant is not required in connection with this Franchise and term extension at this time.

NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:

Section 1: Section 6 of the Franchise is hereby deleted in its entirety and replaced with the following text:

“**Duration.** The privileges set forth in this Franchise are hereby granted from the effective date of this Franchise and continuing thereafter until March 5, 2025. However, this Franchise is inoperative unless it is accepted in writing by Grantee as provided in Section 21.”

Section 2: All other Sections of the Franchise remain in full force and effect.

Section 3: The general welfare of the public will be promoted if this Ordinance takes effect immediately. Therefore, an emergency is declared, and this Ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor provided Lightspeed Networks, Inc. files with the City its written unconditional acceptance of this Franchise Amendment, as required in Section 21 of the Franchise.

Ordinance passed by the City Council of the City of Silverton on this 4th day of March 2024.

ATTEST:

Mayor, City of Silverton
Jason Freilinger

City Manager/Recorder, City of Silverton
Cory Misley

**EXHIBIT A
ACCEPTANCE**

Cory Misley
City Manager
306 S. Water Street
Silverton, OR 97381

This is to advise the City of Silverton, Oregon that LightSpeed Networks, Inc. (the “Grantee”) hereby unconditionally accepts the terms and provisions of Ordinance No.-24-02, passed by the City Council on March 4, 2024 (the “Franchise Amendment”), extending the term of the existing Franchise Agreement, which was passed by the City Council on March 5, 2018 via Ordinance No. 18-07 and subsequently accepted by Grantee on March 13, 2018 (collectively, the “Franchise”). The Grantee hereby agrees to abide by each and every term and condition of the Franchise, as amended by the Franchise Amendment.

LIGHTSPEED NETWORKS, INC.

By: _____

Title: _____

Date: _____