

ORDINANCE NO. 1459

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING ORDINANCE
NO. 1445 WHICH PROVIDES FOR THE GRANTING OF FRANCHISES
FOR COMMUNITY ANTENNA TELEVISION SYSTEMS

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

SECTION ONE. Section 14, paragraph A; Section 18, and Section 19, paragraph I, of Ordinance No. 1445 are hereby amended to read as follows:

Section 14. GUARANTEE OF FAITHFUL PERFORMANCE

A. As a Guarantee of Faithful Performance the grantee shall, concurrently with the filing of and acceptance of award of any franchise granted under this Ordinance, provide the City Treasurer, City of Redlands, with one or more of the following instruments, in a total amount of One Hundred Thousand Dollars (\$100,000):

1. Cash or its equivalent

Commercial Bank Paper

2. An irrevocable Commercial Letter of Credit in favor of the City of Redlands

3. A Time Certificate of Deposit payable to the City of Redlands

4. An assignment of account to the City of Redlands demand or time, in approved form

Savings & Loan Association Paper

5. An assignment of share account only to the City of Redlands in approved form

All instruments in lieu of cash or Certificate of Deposit must be subject to sight drafts at par by the City of Redlands. Such drafts will be accompanied by a statement signed by the Treasurer of the City of Redlands that the monies drawn shall be used solely for the purpose for which the instrument was required. Federally-insured institutions only shall be eligible to furnish in lieu paper. Time account assignments will have passbook attached.

These instruments in a total amount of One Hundred Thousand Dollars (\$100,000) shall remain in the possession of the City Treasurer during the construction period of the CATV system proposed, as referred to in paragraph A, 2, Section 22, herein.

Upon completion of construction of the entire proposed CATV system by the grantee as specified in paragraph A, 2, Section 22, herein, and upon approval by the City Council, the Guarantee of Faithful Performance instruments shall be reduced in amount from One Hundred Thousand Dollars (\$100,000) to Twenty-Five Thousand Dollars (\$25,000), and remain at Twenty-Five Thousand Dollars (\$25,000) for the remainder of the life of the franchise or any renewal thereof. Conditioned upon the faithful performance of grantee, and upon the further condition that if grantee shall fail to comply with any one

or more of the provisions of this Ordinance, or of any franchise issued to the grantee hereunder, there shall be recoverable jointly and severally from the guarantee instruments any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed hereby which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the guarantee instruments; said condition shall be a continuing obligation for the duration of such franchise and any renewal thereof until the grantee has liquidated all of its obligations to the City after acceptance of said franchise or renewal by the grantee or from its exercise of any privilege therein granted.

Section 18. PROOF OF PERFORMANCE SPECIFICATION

The franchise grantee shall submit at the commencement of operation a proof of performance for each CATV system or major operating portion thereof that the system is operating in compliance with each of the standards and specifications listed herein. This proof of performance shall be conducted in accordance with the requirement tests, and equipment as described by the grantee in complying with paragraph A, 16, Section 22, herein and accepted by the City Council. The statement shall be submitted in a form approved by the City Manager. Thereafter, at least once annually the City shall employ the services of a consultant, a recognized expert in the CATV field, who will determine by observing the conduct of the proof of performance test conducted by the grantee, that the system is operating in conformance with each of the standards and specifications listed above as of the date of the statement. This statement, too, shall be submitted in the form approved by the City Manager. Any such costs, up to a maximum of Two Hundred Dollars (\$200.00), incurred by the City to determine proof of performance of the operational specifications shall be paid by the grantee within ten (10) days of receipt of statement of costs sent by the City. More frequent proof of performance of the operational specifications may be required. It is the grantee's responsibility to advise the City a minimum of five (5) working days in advance when grantee proposes to conduct the proof of performance test to be observed by the City's consultant. Any additional consultant expense incurred by unnecessary delay by the grantee in the conduct of the test will be borne by the grantee, and will be in addition to the Two Hundred Dollar (\$200.00) maximum limit.

Section 19. MISCELLANEOUS PROVISIONS

I. Grantee shall without charge provide in the franchise area all subscriber services of its system to all public schools, to any institution of general education, attendance at which satisfies the State of California education code and General Laws of the State of California, City police and fire stations, City recreation centers and other such buildings owned or controlled by the City as the City Manager shall designate. Such service shall consist of a connection to the exterior of the building or property involved and

a connection to the interior of the building or property to a television set if desired. Grantee shall further make available at all times for City and public school use, including the University of Redlands, twenty (20) percent of his channels (with a minimum availability of 4 channels). In the event any City and public school (including the University of Redlands) use channels which are not in use for off the air transmission, local origination, or educational television, grantee may use such channels for additional programming, maintenance, or any other purpose consistent with the terms of the franchise.

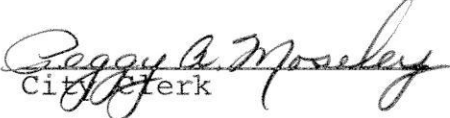
SECTION TWO. Each provision of this ordinance shall be separate and severable and in the event any specific provision is declared void or invalid, no other section, otherwise legal and valid, shall be affected thereby.

SECTION THREE. This ordinance shall be in force and effect as provided by law.

SECTION FOUR. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this city.


Mayor of the City of Redlands

ATTEST:


City Clerk

APPROVED FOR FORM:

s/ Edward F. Taylor
City Attorney

I, Peggy A. Moseley, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 7th day of September, 1971, by the following vote:

AYES: Councilmen DeMirjyn, Knudsen, Miller, Sewall, Mayor Cummings
NOES: None
ABSENT: None


City Clerk