



Legislation Text

File #: 23-0203, Version: 1

Ordinance Authorizing the First Amendment to the Cable Franchise Agreement Between the City of Hampton, Virginia and Verizon Virginia LLC, the Successor to Verizon Virginia Inc.

PURPOSE/BACKGROUND:

The City of Hampton (the “City”) granted to Verizon Virginia Inc., a corporation duly organized under the applicable laws of the Commonwealth of Virginia, (hereinafter referred to as the “Original Grantee”) that certain Franchise Agreement (the “Agreement” or the “Franchise”) entered into by and between the parties that was effective as of July 16, 2008, subject to the terms and conditions of that certain Ordinance adopted by the City Council at the regular meeting held on July 16, 2008 (“Original Effective Date”), to construct, install, maintain, extend and operate a cable system within the designated franchise area, in order to provide cable service. In accordance with §15.2-2100 of the Code of Virginia, as amended, proper notice was given in this matter by the City of an invitation to bid on a franchise to provide a cable service in the City, and a public hearing was duly held at the aforesaid City Council meeting on July 16, 2008. On or about December 31, 2011, the Original Grantee through its application to the Commonwealth of Virginia State Corporation Commission did convert its entity, Verizon Virginia Inc., to a Virginia limited liability company organized under the new name of Verizon Virginia LLC (“Verizon” or the “Grantee”). The Franchise commenced on the Original Effective Date, and expires on July 16, 2023, unless the Franchise is renewed, amended or extended in accordance with the terms and conditions stated therein. By letter dated December 10, 2020, the Grantee sent the City a notice pursuant to Section 626 of the Communications Act of its intent to renew Franchise, and thereafter, the Grantee requested that the Franchise be amended and extended under its same terms and conditions for a period of three (3) years being effective on July 16, 2023 and expiring on July 16, 2026. The City agrees that the Grantee is eligible to be and should be granted the amendment and extension of the Franchise per its terms. Under the terms of the Franchise, a public hearing is required.

Discussion:

See Purpose/Background above.

Impact:

See Purpose/Background above

Recommendation:

Hold public hearing and approve the First Amendment of the Franchise Ordinance

WHEREAS, The City of Hampton (the “City”) granted to Verizon Virginia Inc., a corporation duly organized under the applicable laws of the Commonwealth of Virginia, (the “Original Grantee”)

that certain Franchise Agreement (the “Agreement” or the “Franchise”) entered into by and between the parties that was effective as of July 16, 2008, subject to the terms and conditions of that certain Ordinance adopted by the City Council at the regular meeting held on July 16, 2008 (“Original Effective Date”), to construct, install, maintain, extend and operate a cable system within the designated franchise area, in order to provide cable service. A copy of the said Franchise is attached hereto as Exhibit “A” and made a part hereof;

WHEREAS, in accordance with §15.2-2100 of the Code of Virginia, as amended, proper notice was given in this matter by the City of an invitation to bid on a franchise to provide a cable service in the City, and a public hearing was duly held at the aforesaid City Council meeting on July 16, 2008;

WHEREAS, the Franchise commenced on the Original Effective Date, and expires on July 16, 2023, unless the Franchise is renewed, amended or extended in accordance with the terms and conditions stated therein;

WHEREAS, on or about December 31, 2011, the Original Grantee through its application to the Commonwealth of Virginia State Corporation Commission did convert its entity, Verizon Virginia Inc., to a Virginia limited liability company organized under the new name of Verizon Virginia LLC (“Verizon” or the “Grantee”). A copy of the Certificate of Entity Conversion is attached hereto as Exhibit “B” and made a part hereof;

WHEREAS, by letter dated December 10, 2020, the Grantee sent the City a notice pursuant to Section 626 of the Communications Act of its intent to renew Franchise, and thereafter, the Grantee requested that the Franchise be amended and extended under its same terms and conditions for a period of three (3) years being effective on July 16, 2023 and expiring on July 16, 2026; and

WHEREAS, The City agrees that the Grantee is eligible to be and should be granted the amendment and extension of the Franchise per the terms of conditions of the First Amendment to the Franchise Agreement (the “First Amendment”) attached hereto as Exhibit “C” and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Hampton, Virginia as follows:

1. That the City grants the First Amendment to the Grantee which will take effect on July 16, 2023, and expire on July 16, 2026, unless otherwise terminated, amended, or renewed in accordance with the terms and conditions of the Franchise and the First Amendment; and

2. That the City Manager, or her authorized designee, is hereby authorized to execute the First Amendment attached hereto, in substantially the same form as set forth in this Ordinance, and to take any and all actions necessary to carry out the purposes of this Ordinance, subject to approval by the City Attorney.