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# THE VILLAGE OF BURNHAM COOK COUNTY, ILLINOIS

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## COMCAST TELEVISION FRANCHISE AGREEMENT

### ORDINANCE NO. 2019 – O – 008

#### AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A CABLE TELEVISION FRANCHISE AGREEMENT BY AND BETWEEN THE VILLAGE OF BURNHAM AND COMCAST OF ILLINOIS IV, INC.

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**WHEREAS**, the Village of Burnham, Cook County, Illinois (the "Village") has elected by Referendum on March 11, 1980, to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII, Section 6(a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of public health, safety, morals, and welfare, to license, to tax, to incur debt, and to enact ordinances therefore; and

**WHEREAS**, the Village has heretofore initially granted a franchise, as amended, ("Franchise") to construct, erect, operate and maintain a Community Antenna Television System in the Village of Burnham, Cook County, Illinois (the "System") to Cablevision of Chicago, A Limited Partnership, by adoption of Ordinance No. 79-0-012 entitled "AN ORDINANCE GRANTING A FRANCHISE TO OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE VILLAGE OF BURNHAM, COOK COUNTY, ILLINOIS, TO CABLEVISION OF CHICAGO, A LIMITED PARTNERSHIP" on the 28th day of November, 1979; and

**WHEREAS**, the Village has heretofore granted a renewal of the franchise by adoption of Ordinance No. 2009-O-006 on November 24, 2009; and

**WHEREAS**, pursuant to 47 U.S.C. §541(a) and 65 ILCS 5/11-42-11(a), the Village has the authority to grant a non-exclusive cable television franchise to Comcast to construct, operate and maintain a cable television system in the Village; and

**WHEREAS**, Comcast of Illinois IV, Inc. dba Comcast ("Comcast") is the duly authorized holder of the franchise to construct, erect, operate and maintain a Community Antenna Television System in the Village of Burnham, Cook County, Illinois; and

**WHEREAS**, the Corporate Authorities of the Village and Comcast have commenced and had informal negotiations for renewal of the franchise; and

**WHEREAS**, the Corporate Authorities of the Village and Comcast have negotiated a new franchise agreement entitled "CABLE TELEVISION FRANCHISE AGREEMENT BY AND BETWEEN The VILLAGE OF BURNHAM And COMCAST OF ILLINOIS IV, INC." (the "Franchise Agreement"), a copy of which is attached hereto as Exhibit A and made a part hereof as if fully set forth herein; and

**WHEREAS**, the Corporate Authorities of the Village deem it desirable and in the best interest of the residents of the Village to approve the Franchise Agreement, to authorize and direct the Village President (Mayor) to execute the Franchise Agreement, and to authorize and direct the Village Clerk to attest the Franchise Agreement.

**THEREFORE, NOW, BE IT ORDAINED**, by the Village President (Mayor) and the Village Board of Trustees of the Village of Burnham, Cook County, Illinois, through its home rule powers, as follows:

**Section 1.** **THAT**, the Corporate Authorities of the Village hereby find that all of the recitals and whereas paragraphs contained in the preambles of this Ordinance are true, correct, and complete and do hereby incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section; and

**Section 2.** **THAT**, the Corporate Authorities of the Village of Burnham, Cook County, Illinois, do hereby approve the CABLE TELEVISION FRANCHISE AGREEMENT BY AND BETWEEN The VILLAGE OF BURNHAM and COMCAST OF ILLINOIS IV, INC. (the "Franchise Agreement"), a copy of which is attached hereto as Exhibit A and made an express part hereof as if fully set forth herein; and

**Section 3.** **THAT**, this Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois, that to the



extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction; and

**Section 4. THAT**, if any section, subsection, paragraph, sentence, clause, provision, or phrase of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance; and

**Section 5. THAT**, all Ordinances, Resolutions, Motions, or Orders in conflict with this Ordinance are hereby repealed to the extent of such conflict; and

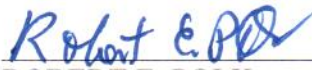
**Section 6. THAT**, this Ordinance shall be in full force and effect after its passage, approval, and publication according to law; and

**Section 7. THAT**, this Ordinance shall be published in pamphlet form by the authority of the Village President and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

**PASSED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 26<sup>th</sup> day of November, 2019.

**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>X</u>	_____	_____	_____
Trustee Denise Bonner	_____	_____	<u>X</u>	_____
Trustee Graciela Garcia	<u>X</u>	_____	_____	_____
Trustee Brenda Greer	<u>X</u>	_____	_____	_____
Trustee Carmella Richardson	<u>X</u>	_____	_____	_____
Trustee Travis Claybrooks	<u>X</u>	_____	_____	_____

  
ROBERT E. POLK  
Village President (Mayor)

ATTEST:

  
LUS E. CHAVEZ  
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, on 26<sup>th</sup> day of November, 2019.

ATTEST:

  
LUS E. CHAVEZ, VILLAGE CLERK (SEAL)