

ORDINANCE NO. **BG2020 - 7**

ORDINANCE GRANTING FRANCHISE RELATED TO TELECOMMUNICATIONS SYSTEM

ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS (OR RELATED NON-CABLE) FRANCHISE TO COMCAST OF INDIANA/KENTUCKY/UTAH, LLC D/B/A COMCAST CABLE, HEARTLAND REGION FOR THE USE OF RIGHTS-OF-WAY FOR THE OPERATION AND MAINTENANCE OF A TELECOMMUNICATIONS (OR RELATED NON-CABLE) SYSTEM WITHIN THE CITY OF BOWLING GREEN, KENTUCKY

WHEREAS, Ordinance No. BG2019-6, adopted by the City of Bowling Green Board of Commissioners on April 16, 2019, provided for the creation of a non-exclusive franchise for the privilege of the use of rights-of-way for the operation and maintenance of a telecommunications system within the City of Bowling Green in accordance with the terms and provisions referenced below; and,

WHEREAS, Ordinance No. BG2019-6 also established a sealed bid process which included advertising the invitation for bids, notifying the public of the date for the submission of bids to the City and awarding the franchise to the successful bidder(s); and,

WHEREAS, after publication of the advertisement one (1) bid was received and the Board of Commissioners in Ordinance No. BG2019-29 granted a franchise to North Central Communications (NCTC), Inc.; and,

WHEREAS, subsequent to the granting of that franchise, the City was contacted by Comcast of Indiana/Kentucky/Utah, LLC, a California General Partnership, d/b/a Comcast Cable, Heartland Region (“Comcast Cable, Heartland Region”) expressing interest in being granted a franchise under the same terms and conditions; and,

WHEREAS, after publication of an additional advertisement on April 17, 2020, as well as advertisement on the City’s website, the only bid received by the City on May 6, 2020, was from Comcast Cable, Heartland Region; and,

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WHEREAS, it is in the best interest of the City to accept the bid from and to grant this non-exclusive telecommunications franchise to Comcast Cable, Heartland Region.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. A telecommunications franchise created by Ordinance No. BG2019-6 is hereby granted to Comcast Cable, Heartland Region, the company that submitted a responsive and responsible bid, and shall be effective upon approval and publication.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on May 19, 2020, and given final reading on June 2, 2020, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: June 2, 2020

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager