

RESOLUTION 2019 - 26

**RESOLUTION OF THE CITY OF HARRISBURG, SOUTH DAKOTA
AUTHORIZING CLARITY TELECOM, LLC
TO OPERATE AS A GRANTEE UNDER ORDINANCE 2009-12**

WHEREAS, the City Council of the City of Harrisburg, South Dakota (“Franchise Authority”) passed Ordinance 2009-12 on December 7, 2009 (the “Franchise”), approving the renewal of the Cable Service Franchise for the Franchise Authority;

WHEREAS, Clarity Telecom, LLC, dba Vast Broadband, successor in interest to Knology, Inc. (“Franchisee”) owns, operates and maintains a cable television system (“System”) in the Franchise Authority, pursuant to Ordinance 2009-12;

WHEREAS, the Franchise granted to Franchisee is set to expire on January 12, 2020, unless renewed by the Franchise Authority;

WHEREAS, Franchisee has requested the Franchise Authority’s approval, authorization and consent to continue to operate as a Grantee, as defined, under the terms and conditions of the Franchise;

WHEREAS, the Franchise Authority has reviewed the qualifications of the Franchisee and finds it to be a suitable Grantee, as defined in the Franchise, and has determined that it shall renew the Franchise for an additional five (5) years;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISBURG, SOUTH DAKOTA, AS FOLLOWS:

SECTION 1 . The Franchise Authority approves, authorizes and consents to the operation of Franchisee, as a nonexclusive Grantee, as defined, under the terms and conditions of the Franchise.

SECTION 2 . Pursuant to Section 10.0104 of the Franchise, the Franchise Authority renews the Franchise for a period of five (5) years with an automatic renewal of five (5) additional years.

SECTION 3 . The renewed term of the Franchise shall expire at 11:59 p.m. on January 12, 2025.

SECTION 4 . If the Franchise Authority does not notify the Franchisee in writing of its intention to not renew the Franchise on or before January 12, 2025, the Franchise shall be renewed for an additional five (5) years and shall expire at 11:59 p.m. on January 12, 2030.

SECTION 5 . This Resolution shall be deemed effective upon the twentieth day after its publication unless suspended by operation of referendum.

SECTION 6 . This Resolution shall have the force of a continuing agreement with the Franchise and Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee.

PASSED, ADOPTED AND APPROVED this 18th day of November, 2019, by the City Council of the City of Harrisburg, South Dakota by the following vote:

Ayes: Berg, Olson, Maxwell, Tank

Nays: None

Absent: None

CITY OF HARRISBURG

Julie Burke – Van Luvanee
Mayor

ATTEST:

Mary McClung
Finance Officer

I, Mary McClung, the duly appointed, qualified and acting Finance Officer of the City of Harrisburg, South Dakota, hereby certify that the forgoing resolution was passed by the City Council of Harrisburg, South Dakota, at its regular meeting held on the 18th day of November, 2019.

Witness my hand as Municipal Finance Officer and Official Seal of the City of Harrisburg, South Dakota.

Mary McClung
Finance Officer

Adopted: November 18, 2019
Published: November 28, 2019
Effective: December 18, 2019

Published once at the approximate cost of _____.