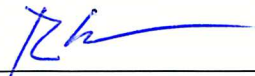


## SUMMARY OF CITY OF BROMLEY ORDINANCE 10-1-19

AN ORDINANCE OF THE CITY OF BROMLEY, KENTUCKY CONFIRMING THE SALE AND AWARDING A NON-EXCLUSIVE FRANCHISE TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. FOR A TERM OF 10 YEARS WITH TWO ADDITIONAL FIVE YEAR OPTIONS FOR A TELECOMMUNICATIONS FRANCHISE AGREEMENT AND FOR THE CONSTRUCTION, PLACEMENT, MAINTENANCE AND OPERATION OF A TELECOMMUNICATIONS SYSTEM AND FACILITIES FOR THE TRANSMISSION, DELIVERY, PROVISION AND SALE OF TELECOMMUNICATIONS SERVICES ALONG, IN, ON, OVER AND UNDER THE PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF BROMLEY, KENTUCKY ("CITY"); ALL UPON THE TERMS, CONDITIONS AND COVENANTS CONTAINED IN THE WIRED TELECOMMUNICATIONS FRANCHISE AGREEMENT.

City of Bromley Ordinance No. 10-1-19 is an ordinance which awards a non-exclusive franchise for the construction, placement, maintenance and operation of a telecommunications system and facilities for the transmission, delivery, provision and sale of telecommunications services along, in, on, over and under the public right-of-way within the city of Bromley to MCIMETRO ACCESS TRANSMISSION SERVICES CORP. in accordance with the Franchise Agreement established by City of Bromley Resolution NO. 8-1-19, the solicitation for bids referred to in that Resolution, and the bid submitted by MCIMETRO ACCESS TRANSMISSION SERVICES CORP. in response to same. The ordinance establishes a franchise fee in the amount of 3% of gross receipts. It further sets the term of the franchise at 10 years with two additional five year options. The ordinance repeals all prior ordinances, municipal orders or policies in conflict with Ordinance 10-1-19. It further authorizes the Mayor of Bromley to sign the agreement and to negotiate changes not affecting the overall substance of the ordinance and the franchise agreement. The ordinance also incorporates the preamble into the provisions ordinance, preserves to the City its legislative and police powers, and requires the Franchisee to comply with applicable law, ordinances and regulations. The ordinance also provides that the invalidity of any section, subsection or sentence of the ordinance shall not affect the remainder and provides for the effective date of the ordinance.

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky and I have prepared the above summary of City of Bromley Ordinance No. 10-1-19 in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the ordinance.

  
\_\_\_\_\_  
R. KIM VOCKE  
CITY ATTORNEY  
CITY OF BROMLEY, KENTUCKY

## ORDINANCE 10-1-19

AN ORDINAMCE OF THE CITY OF BROMLEY, KENTUCKY CONFIRMING THE SALE AND AWARDING A NON-EXCLUSIVE FRANCHISE TO MCIMETRO ACCESS TRANSMISSION SERVICES CORP. FOR A TERM OF TEN (10) YEARS WITH TWO (2) ADDITIONAL FIVE YEAR OPTIONS FOR A TELECOMMUNICATIOINS FRANCHISE AGREEMENT AND FOR THE CONSTURCTION, PLACEMENT, MAINTENANCEAND OPERATION OF A TELECOMMUNICATIONS SYSTEMAND FACILITIES FOR THE TRANSMISSION, DELIVERY,PROVISIOIN AND SALE OF TELECOMMUNICATIONS SERVICES ALONG, IN, ON, OVER AND UNDER THE PUBLICRIGHT-OF-WAY WITHIN THE CITY OF BROMLEY, KENTUCKY (“CITY”); ALL UPON THE TERMS, CONDITIONS AND COVENANTS CONTAINED IN THE WIRED TELECOMMUNICATIONS FRANCHISE AGREEMENT.

WHEREAS, Resolution No. 8-1-19, adopted by the City Council [Board of Commission], on August 7, 2019 (the “Establishment Ordinance”), provided for the creation, establishment and sale of a non-exclusive Franchise, for a term of ten years with two additional five year options to acquire, construct, install, maintain, repair, operate, use and enter upon, in the public right-of-way of the City a Telecommunications System, Facilities, and Franchisee Poles (as such terms and other capitalized terms hereinafter are defined in the Franchise Agreement referenced below) and related equipment and appurtenances for the transmission, distribution, delivery and sale of Telecommunications Services from points either within or without the corporate limits of this City, to this City and the inhabitants thereof, and from and through this City to persons, corporations and municipalities beyond the limits thereof, and for the sale of Telecommunications and other related Telecommunications purposes; and

WHEREAS, the said Establishment Ordinance, as required by Section 164 of the Kentucky Constitution, also established a sealed bid process which includes advertising the



invitation for bids, and awarding the Franchise to the successful bidder(s); and

WHEREAS, after proper and legal publication of said advertisement, the City received a timely bid from MCIMETRO ACCESS TRANSMISSION SERVICES CORP. (“Franchisee”) to acquire said telecommunications franchise; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BFOMLEY, KENTUCKY, AS FOLLOWS:

#### SECTION I

Based upon the foregoing recitals and acting in accordance with Sections 163 and 164 of the Constitution of the Commonwealth of Kentucky and applicable Kentucky law, and subject to the terms, conditions and covenants set forth in that certain Wired Telecommunications Franchise Agreement for Telecommunications Services and Facilities in the Right-of-Way, a copy of which is attached hereto and made a part hereof as “Attachment A” (hereinafter the “Franchise Agreement”), that a non-exclusive Telecommunications Franchise created by this Ordinance and the Establishment Ordinance be, and it hereby is, granted and awarded to Franchisee and its permitted assigns, for the cost of advertising and the sale of a Telecommunications System and Telecommunications Services Franchise, plus the Application Fee, the Franchise Fee and such other compensation, all as set forth in the Franchise Agreement. The Franchise Fee is hereby established at \_\_\_\_ percent (\_\_\_\_%) of the Gross Receipts and shall be paid, together with other compensation and payments due thereunder, on a quarterly basis within thirty (30) days after the expiration of each calendar quarter, all as provided in the Franchise Agreement. Should the City exercise said right to increase the Franchise Fee, 13 the City shall receive a monthly payment of up to five (5) percent of Gross Receipts per month received by Franchisee from (1) Franchisee’s sale of Telecommunications Services (which

includes businesses, industrial facilities and dwellings) inside the City's corporate limits and (2) all other sources as provided in the Franchise Agreement.

The Franchise granted and awarded in this Ordinance only authorizes Franchisee to provide the Telecommunications Services specifically authorized in the Franchise Agreement and set forth in Exhibit B thereto. Neither this Ordinance nor the Franchise Agreement authorizes Franchisee to provide Commercial Mobile Radio Services, Personal Communications Services, Multichannel Video Services, or Cable Services. Further, the term Facilities excludes "small cell towers," "small cell systems", "wireless communications facilities," "cellular antenna towers," and certain "transmission equipment," all as provided in the Franchise Agreement.

## SECTION II

The term of the Franchise granted in this Ordinance and as provided in Section 6 (Term) of the Franchise Agreement shall be for a period of ten (10) years with two (2) additional five year options.

## SECTION III

All prior ordinances, municipal orders, or policies or parts thereof in conflict herewith, are to the extent of such conflict, hereby repealed.

## SECTION IV

That the mayor of the City is hereby authorized to sign the Franchise Agreement to memorialize the sale and award by the City to the Franchisee of said Franchise subject to the terms and conditions reflected in the Establishment Ordinance and this Ordinance. Further, the mayor is hereby authorized to negotiate such changes to the Franchise Agreement as he or she may deem

necessary or desirable, so long as such changes do not affect the overall substance of this Ordinance and the Franchise Agreement.

#### SECTION V

That the statements set forth in the Preamble to this Ordinance are hereby incorporated in this Ordinance by reference, the same as if set forth at length herein.

#### SECTION VI

All rights and privileges granted in this Ordinance and the Franchise Agreement are, at all times during the aforesaid term, subject to all lawful exercise of the police and legislative powers of the City. Franchisee shall comply with all applicable laws, ordinances and regulations which the City has adopted or shall adopt, applying to the public generally and to other franchisees, licensees, or grantees.

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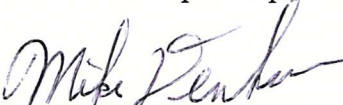
#### SECTION VII

That if any section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or otherwise invalid, such infirmity shall not affect the validity of the remainder of the Ordinance.

#### SECTION VIII

This Ordinance shall be in effect when read, passed and published according to law.

CITY OF BROMLEY, KENTUCKY  
A home rule municipal corporation

BY:   
MAYOR

FIRST READING 10-2-19

5  
YES

0  
NO

SECOND READING 11-6-19

5  
YES

0  
NO

ATTEST:

Janet M. Laramie  
CITY CLERK

PUBLISHED on website



## **ORDINANCE NO. 10-2-19**

**AN ORDINANCE OF THE CITY OF BROMLEY AMENDING THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF BROMLEY SECTION 153 BY CHANGING THE EXPIRATION DATE AND DUE DATES OF RENTAL LICENSES, AND ADDING A NEW SECTION PERMITTING LICENSES FOR THE CURRENT YEAR TO BE VALID UNTIL MARCH 1, 2020.**

BE IT ORDAINED BY THE CITY OF BROMLEY:

### **SECTION I**

That Section 153.22(A) of the Official Code of Ordinances of the City of Bromley be and is hereby amended as follows:

All persons owning residential rental property must obtain the license required by this chapter no later than ~~October 15<sup>th</sup>~~ March 1 of each year.

### **SECTION II**

That Section 153.17 of the Official Code of Ordinances of the City of Bromley be and is hereby amended to read as follows:

Every such license shall expire on ~~June 30~~ the last day of February of each year.

### **SECTION III**

A new section of Chapter 153 of the official code of ordinances of the City of Bromley be and is hereby enacted to read as follows

All rental licenses previously issued pursuant to this ordinance which were due to expire on October 15, 2019 are hereby extended so that they will not expire until March 1, 2020.

### **SECTION VI**

All ordinances in conflict herewith are to the extent of such conflict repealed.

### **SECTION VII**

The invalidity of any section, subsection, or sentence or the ordinance shall not affect the remainder.

### SECTION VIII

This Ordinance shall take effect and be in full force from and after its passage, approval, and publication, according to law.

CITY OF BROMLEY, KENTUCKY  
A municipal corporation of the 5<sup>th</sup> class

BY: Mike Denham  
MAYOR

FIRST READING 10-2-19

5

YES

0

NO

SECOND READING 11-6-19

5

YES

0



NO 0

ATTEST:

Janet M. Gardner  
CITY CLERK

PUBLISHED on website