

ORDINANCE NO. 12362
(New Series)

O. 78-259
(Revised)

MAY 22 1978

AN ORDINANCE OF THE CITY OF SAN DIEGO CONSENTING TO THE TRANSFER OF OWNERSHIP OF THE CABLE TELEVISION FRANCHISES HELD BY AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION TO A WHOLLY OWNED SUBSIDIARY OF TIME INCORPORATED.

WHEREAS, American Television and Communications Corporation is a cable television franchisee of The City of San Diego under the terms of Ordinances No. 9085 (N.S.), No. 10502 (N.S.), No. 10110 (N.S.), No. 9966 (N.S.), No. 10207 (N.S.) and No. 8926 (N.S.); and

WHEREAS, American Television and Communications Corporation proposes to transfer the ownership of said cable television franchises, through merger of American Television and Communications Corporation, into a newly formed, wholly owned subsidiary of Time Incorporated ("Time, Inc.") to be known as American Television and Communications Corporation; and

WHEREAS, American Television and Communications Corporation has by a letter dated February 22, 1978, a copy of which is on file in the office of the City Clerk as Document No. 763678, requested The City of San Diego to consent to the aforementioned transfer of said franchises to Time Inc. pursuant to the provisions of Section 8 of Ordinances No. 10502 (N.S.), No. 9966 (N.S.) and No. 10110 (N.S.), and pursuant to the provisions of Section 6 of Ordinances No. 8926 (N.S.) and No. 9085 (N.S.); and

WHEREAS, the City Manager has recommended said transfers subject to the following conditions:

MICROFILMED

(a) That Time Inc. will provide local management of its San Diego franchises with sufficient local authority to make necessary decisions effecting the operations of the franchises in the City of San Diego, and

(b) that Time Inc. will make those expenditures necessary to upgrade the head end facilities serving their San Diego franchises to provide an adequate signal level for Los Angeles stations carried on the systems serving those franchises, and

(c) that Time Inc. will maintain sufficient staffing levels in their San Diego cable systems in order to respond to customer complaints within a 24-hour period, excepting only for force majeure circumstances beyond the reasonable control of Time, Inc., and

(d) that Time Inc. will develop a customer relations program which will inform all its San Diego subscribers in a timely manner of any matters effecting their cable television rates and service, and

(e) that Time Inc. will strictly comply with all the terms and conditions of aforementioned franchises; and

WHEREAS, Time Inc. has indicated its willingness to accept the transfer of said franchises on the conditions as set forth above as evidenced by testimony on the public record in connection with the hearing at the introduction of this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

12362

-2-

MICROFILMED

MAY 22 1978

Section 1. That The City of San Diego does by this ordinance consent to the transfer to Time Inc. of the franchises heretofore granted to American Television and Communications Corporation subject to all the terms and conditions contained in said Ordinances No. 9085 (N.S.), No. 10502 (N.S.), No. 10110 (N.S.), No. 9966 (N.S.), No. 10207 (N.S.) and No. 8926 (N.S.), and subject to the following conditions:

(a) That Time Inc. will provide local management of its San Diego franchises with sufficient local authority to make necessary decisions effecting the operations of the franchises in the City of San Diego, and

(b) that Time Inc. will make the necessary expenditures necessary to upgrade the head end facilities serving their San Diego franchises to provide an adequate signal level for Los Angeles stations carried on the systems serving those franchises, and

(c) that Time Inc. will maintain sufficient staffing levels in their San Diego cable systems in order to respond to customer complaints within a 24-hour period, excepting only for force majeure circumstances beyond the reasonable control of Time, Inc., and

(d) that Time Inc. will develop a customer relations program which will inform all its San Diego subscribers in a timely manner of any matters effecting their cable television rates and service, and

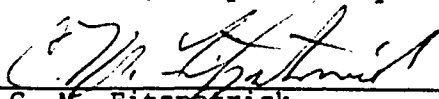
(e) that Time Inc. will strictly comply with all the terms and conditions of aforementioned franchises.

Section 2. Failure by Time Inc. to strictly comply with all the terms and conditions set forth in Section 1 hereof shall be grounds for action by the City Council by ordinance to rescind the consent granted herein or to take such other action as the City Council deems appropriate and in the best interest of the franchise area subscribers, without giving rise to any liability to the City, its officers or agents for said act of rescission or for any other appropriate action taken by the City Council.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


C. M. Fitzpatrick
Senior Chief Deputy

CMF:vl:490

3/30/78

Or. Dept.: Manager

12362

-4-

MAY 22 1978

MICROFILMED

Passed and adopted by the Council of The City of San Diego on MAY 22 1978,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 1 1978, and on MAY 22 1978.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Gooding, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 12362 Adopted MAY 22 1978

ATTORNEY'S

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Betty Goldberg

CERTIFICATE OF PUBLICATION

No. 12362

IN THE MATTER OF

TRANSFER OF OWNERSHIP OF THE CABLE
TELEVISION FRANCHISES

ORDINANCE NO. 12362

(New Serial)

AN ORDINANCE OF THE CITY OF SAN DIEGO CONSENTING TO THE TRANSFER OF OWNERSHIP OF THE CABLE TELEVISION FRANCHISES HELD BY AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION TO A WHOLLY OWNED SUBSIDIARY OF TIME INCORPORATED.

WHEREAS, American Television and Communications Corporation is a cable television franchisee of The City of San Diego under the terms of Ordinances No. 9065 (N.S.), No. 10502 (N.S.), No. 10110 (N.S.), No. 9886 (N.S.), No. 10207 (N.S.) and No. 8926 (N.S.); and

WHEREAS, American Television and Communications Corporation proposes to transfer the ownership of said cable television franchises, through merger of American Television and Communications Corporation, into a newly formed, wholly owned subsidiary of Time Incorporated ("Time, Inc.") to be known as American Television and Communications Corporation; and

WHEREAS, American Television and Communications Corporation, by a letter dated February 22, 1978, a copy of which is on file in the office of the City Clerk as Document No. 763678, requested The City of San Diego to consent to the aforementioned transfer of said franchises to Time Inc. pursuant to the provisions of Section 8 of Ordinance No. 10892 (N.S.), No. 9085 (N.S.) and No. 10110 (N.S.), and pursuant to the provisions of Section 6 of Ordinances No. 8926 (N.S.) and No. 9085 (N.S.); and

WHEREAS, the City Manager has recommended said transfers subject to the following conditions:

(a) That Time Inc. will provide local management of its San Diego franchises with sufficient local authority to make necessary decisions affecting the operations of the franchises in the City of San Diego; and

(b) that Time Inc. will make those expenditures necessary to upgrade the head end facilities serving their San Diego franchises to provide an adequate signal level for Los Angeles stations carried on the systems serving those franchises; and

(c) that Time Inc. will maintain sufficient staffing levels in their San Diego cable systems in order to respond to customer complaints within a 24-hour period, excepting only for force majeure circumstances beyond the reasonable control of Time, Inc.; and

(d) that Time Inc. will develop a customer relations program which will inform all its San Diego subscribers in a timely manner of any matters affecting their cable television rates and service; and

(e) that Time Inc. will strictly comply with all the terms and conditions of aforementioned franchises; and

WHEREAS, Time Inc. has indicated its willingness to accept the transfer of said franchises on the conditions as set forth above as evidenced by testimony on the public record in connection with the hearing at the introduction of this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That The City of San Diego does by this ordinance consent to the transfer to Time Inc. of the franchises heretofore granted to American Television and Communications Corporation subject to all the terms and conditions contained in said Ordinances No. 9085 (N.S.), No. 10892 (N.S.), No. 10110 (N.S.), No. 9086 (N.S.), No. 10207 (N.S.) and No. 8926 (N.S.); and subject to the following conditions:

I, PATRICIA M. SPAULDING, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1969, Decree No. 14894; and the

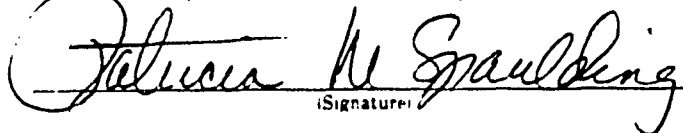
ORDINANCE NO. 12362

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following dates, to-wit:

June 15, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 15th day of June, 1978.


(SIGNATURE)

MICROFILMED 12362

San Diego, California, this 1st day of February, 1952.

That the undersigned, Mayor of the City of San Diego, California, do hereby certify that the following is a true and correct copy of the resolution of the City Council of the City of San Diego, California, passed on the 1st day of February, 1952, and that the same is hereby published for the information of the public.

RESOLUTION NO. 10000

WHEREAS, the City Council of the City of San Diego, California, has on the 1st day of February, 1952, passed the following resolution:

Resolved, That the City Council of the City of San Diego, California, do hereby approve the proposed amendments to the Charter of the City of San Diego, California, as set forth in the attached report of the City Council, and that the same be and they are hereby approved and adopted by the City Council of the City of San Diego, California, and that the same be and they are hereby published for the information of the public.

ATTEST:

MAYE, Mayor

ABRETT, Clerk

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California

CHARLES C. ABDELNOU

City Clerk of The City of San Diego, California

By _____

SEAL

Feb. 1 1952

Page 2 of 2

MICROFILMED

12362