When recorded,
return to:
Marian Sheppard, BOS
(7/6/10 #6)

2010-007309 RESL Page: 1 of 7
07/06/2010 04:17:01 PM Receipt #: 10-3694
Rec Fee: $0 Gila County Board Of Supervisors
Gila County, Az, Sadie Tomerlin Dalton, Recorder

RESOLUTION NO. 10-07-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF GILA COUNTY, ARIZONA, REVOKING A NON-EXCLUSIVE LICENSE FOR CABLE COMMUNICATION SERVICES ISSUED TO EAGLE WEST COMMUNICATIONS, INC.

WHEREAS, on January 18, 2005, the Gila County Board of Supervisors issued a 15-year non-exclusive cable television franchise license to Eagle West Communications, Inc., a copy of which is attached to this Resolution; and,

WHEREAS, Eagle West Communications, Inc. was authorized to provide cable service to areas of Gila County that are in and around Bear Flats, Christopher Creek, Saddle Mountain, Kohl's Ranch, Thompson Draw and Tonto Village; and,

WHEREAS, Eagle West Communications, Inc. has failed to comply with the payment of franchise fees as outlined in Section 9-Annual License Fee of Gila County Resolution 01-08-06; and,

WHEREAS, a public hearing was held on this date for all interested parties to appear and show cause, if any they may have, whether the non-exclusive cable television system franchise license issued to Eagle West Communications, Inc. should not be revoked.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby immediately revokes the non-exclusive cable television franchise license that was issued to Eagle West Communications, Inc. on January 18, 2005.

PASSED AND ADOPTED this 6th day of July 2010

Attest:

Marian Sheppard

Marian Sheppard, Chief Deputy Clerk

GILA COUNTY BOARD OF SUPERVISORS

Michael A. Pastor

Michael A. Pastor, Chairman

Gila County, AZ
Linda Haught Ortega, Recorder
01/21/2005
02:55PM
Doc Code: LIC

Doc Id: 2005-000999
Receipt #: 30701
Rec Fee: 0.00

GILA CO BOS MARIAN SHEPPARD

2005-000999
Page: 1 of 6
Gila County, AZ LIC
01/21/2005 02:55P
0.00

When recorded deliver to:

Marian Sheppard, BOS

CAPTION HEADING:

License For Cable Communication Services And Acceptance Between Gila County and Eagle West Communications, Inc.

DO NOT REMOVE

This is part of the official document

2010-007309 RESL Page: 2 of 7
07/06/2010 04:17:01 PM Receipt #: 10-3694
Rec Fee: $0 Gila County Board Of Supervisors
Gila County, Az, Sadie Tomerlin Dalton, Recorder

LICENSE FOR CABLE COMMUNICATION SERVICES

WHEREAS, on September 18, 2001, the Board of Supervisors approved Resolution No. 01-08-06 establishing regulations and providing procedures for the issuance of licenses to construct, install and/or operate lines, wires, coaxial cable and appurtenances for originating, receiving, distributing, and supplying radio, television, and other cable communication services along, across and upon the public streets, ways, alleys and places within the unincorporated areas of Gila County, Arizona;

WHEREAS, pursuant to the provisions of Resolution No. 01-08-06 of Gila County, Arizona, an application was received from Eagle West Communications, Inc. on May 31, 2004, for a License to construct, operate and/or maintain a cable television system within Gila County, Arizona; and

WHEREAS, it was determined that the applicant has met all requirements of Resolution No. 01-08-06.

NOW, THEREFORE, IT IS ORDERED BY THE BOARD OF SUPERVISORS THAT A NEW LICENSE IS ISSUED TO EAGLE WEST COMMUNICATIONS, INC. IN ACCORDANCE WITH THE TERMS OF RESOLUTION NO. 01-08-06, AS FOLLOWS:

Section 1: That Eagle West Communications, Inc., hereinafter referred to as "Licensee" is by this order granted a non-exclusive License to install, construct, operate and/or maintain a cable television system on the streets, other public rights-of-way or public places within the limits of Gila County, Arizona, provided notwithstanding the Licensee has been granted a License for such construction prior to the commencement of any actual construction, permits therefor shall be obtained from the appropriate department of Gila County, Arizona.

This License shall comply with all regulations outlined in Gila County's Right-of-Way Ordinance No. 02-1.

Section 2: This License shall not become effective for any purpose unless written acceptance thereof, pursuant to the terms set forth in Section 6, Acceptance of License, of Resolution No. 01-08-06, shall have been received by the Board of Supervisors of Gila County, Arizona, within thirty (30) days after granting of said License.

Section 3: The duration of the rights, privileges and authorities hereby granted shall be fifteen (15) years from the date of passage of this License by the Board of Supervisors of Gila County, Arizona. A License may be renewed for an additional period in accordance with Section 12 of Resolution No. 01-08-06.

2010-007309 RESL Page: 3 of 7
07/06/2010 04:17:01 PM Receipt #: 10-3694
Rec Fee: $0 Gila County Board Of Supervisors
Gila County, Az, Sadie Tomerlin Dalton, Recorder

Any License granted may be terminated prior to its date of expiration by the Board of Supervisors pursuant to Section 11, Terminations, of Resolution No. 01-08-06, or in the event that the Board shall have determined that the Licensee is unable to provide satisfactory service to at least 75 percent of the potential users within Licensee's service area within two years from the acceptance of the License.

Section 4: The Licensee's service area shall be Bear Flats, Christopher Creek, Saddle Mountain, Kohl's Ranch, Thompson Draw and Tonto Village.

Section 5: The Licensee shall pay to Gila County an annual License fee sum as follows:

- Five (5%) percent of gross revenues each year. Payment shall be due in two (2) annual installments, on July 15 and on January 15 for the preceding six (6) months (January 1 to June 30 and July 1 to December 31).

Such subscriber revenues shall be deemed to include any and all compensation received directly or indirectly by the Licensee from subscribers in the Service Area in payment of the regularly furnished service of the Cable Television System in the transmission of broadcast television, radio signals, original cablecast programming of the Licensee, and such other signals as are authorized by the FCC and shall include the installation fees, disconnect and reconnect fees, and all other fees for regular cable benefits. Delinquent payments shall bear interest at the rate of one and one-half (1½%) percent per month of the amount due for no more than ninety (90) days. If delinquent payment exceeds ninety days (90), then Licensee is subject to revocation pursuant to Section 11(A)(5).

The percentage of the gross annual revenues due the County, and the insurance and bond provisions of the License, may be subject to re-evaluation and renegotiation by the Board of Supervisors every three (3) years commencing from the adoption of this Resolution. In no event shall the percentage exceed the maximum fixed by the Federal Communications Commission.

Licensee shall, upon written request of the Clerk of the Board of Supervisors, provide to the County a copy of Licensee's annual report, or such other documents as may be used to verify the accuracy of the Licensee's gross annual revenues.

Section 6: The Licensee shall:

(1) Put, keep and maintain all parts of the Cable Television System in good condition throughout the entire period of the License.
(2) Render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four (24) hours in advance and shall occur during periods of minimum use of the system.

(3) Investigate and resolve all complaints regarding quality of service, equipment and other similar matters within forty-eight (48) hours, and shall maintain a local business office, agent or local toll-free phone number for these purposes.

(4) Maintain a written record, or "log", listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by the Licensee in response thereto. These records shall be kept at Licensee's local office and shall be available for inspection during regular business hours, without further notice or demand by the Board of Supervisors.

(5) Provide each subscriber with a statement that delineates the process for submitting a complaint that specifies:
   (a) The telephone number and the address of the Licensee that the subscriber can utilize to make a complaint.
   (b) A statement indicating that a dissatisfied subscriber should exhaust his remedy with the Licensee before submitting a complaint to the County.
   (c) The address of the County Office that the subscriber can utilize to make a written complaint.

(6) Upon written request of the Board of Supervisors, file a written report as to any complaint designated in the request, giving a detailed description of the complaint, the manner in which it has been met, and the time required to make the necessary repairs or adjustments. Licensee shall return the report not more than five (5) business days after receipt of the request.

(7) Upon request by the Board of Supervisors, the Licensee shall make a demonstration satisfactory to it that a signal is being delivered to any designated area which is of sufficient strength and quality to meet the standards set forth in the regulations of the FCC.

Section 7: The Gila County Board of Supervisors hereby designates the representative for the Clerk of the Board of Supervisors Office to receive complaints by subscribers regarding the quality of service, equipment, malfunctions and similar matters. The Licensee shall be promptly notified by him or her of the complaints. The Clerk of the Board of Supervisors representative shall also have the responsibility for the administration of the License and implementation of the complaint procedure set out in detail in Section 8 of Gila County Resolution No. 01-08-06.

Section 8: The Licensee shall be required to maintain for the duration of the License general comprehensive liability insurance insuring against all damages charged to the County or the Licensee resulting from the installation, development, maintenance or expansion of a Licensee's Cable Television System as follows:

(1) One million dollars ($1,000,000) for bodily injury or death to any one person with an aggregate limit for any one occurrence of one million dollars ($1,000,000) for bodily injury or death.

(2) Two hundred fifty thousand dollars ($250,000) for property damage resulting from one accident.

(3) Five hundred thousand dollars ($500,000) for all other types of liability.

Gila County shall be named in all such policies as a co-insured, or added thereon by endorsement as a named insured. A certificate of insurance for each policy shall be filed with the Clerk of the Board of Supervisors or its designee. A copy of the policy shall be provided. Each certificate shall provide that if the policy it covers shall be cancelled by the insurance company of the Licensee during the term of the policy, ten (10) days written notice prior to the effective date of cancellation shall be given to the Board of Supervisors.

The amounts of insurance required as set forth in this section shall be subject to renegotiation every three (3) years, from the date of adoption of Resolution No. 01-08-06.

Section 9: The schedule for installation (if applicable) attached as Exhibit ___ is hereby incorporated and made a part of this License. (N/A)

Section 10: The provisions of Resolution No. 01-08-06 shall be construed as consistent with any rule or regulation of the FCC. Any FCC rule inconsistent with the terms herein is deemed to automatically amend the inconsistent term. Any License issued pursuant to Resolution No. 01-08-06 is subject to any FCC rules or regulations.

Section 11: This License shall be deemed approved as of January 18, 2005. This agreement will expire on January 18, 2020.

PASSED AND ADOPTED this 18th day of January 2005.

GILA COUNTY BOARD OF SUPERVISORS

By: José M. Sanchez, Chairman

ATTEST:

John F. Nelson
Clerk

APPROVED AS TO FORM:

Bryan Chambers
2nd Chief Deputy County Attorney

2010-007309 RESL Page: 6 of 7
07/06/2010 04:17:01 PM Receipt #: 10-3694
Rec Fee: $0 Gila County Board Of Supervisors
Gila County, Az, Sadie Tomerlin Dalton, Recorder

Acceptance of

Pursuant to the Order of the Board of Supervisors dated the 18th day of January 2005,

EAGLE WEST COMMUNICATIONS, INC.

hereby accepts the License to construct and/or operate a cable television business within the authorized service area and under the terms specified in the License.

Dated the 18 day of January 2005.

This agreement shall expire on January 18, 2020.

Eagle West Communications, Inc. E. McK

By: Pa~~ul D. H. LaBarre~~ Ernest McKar

Its: P~~resident~~
VP Operations

County of Gila)
)
State of Arizona)

Subscribed and sworn to before me this 18 day of January 2005.

Stacey C. Espinoza
Notary

My Commission Expires:

1-25-06

"OFFICIAL SEAL"
Stacey C. Espinoza
Notary Public-Arizona
Gila County
My Commission Expires 1/25/2006

2010-007309 RESL Page: 7 of 7
07/06/2010 04:17:01 PM Receipt #: 10-3694
Rec Fee: $0 Gila County Board Of Supervisors
Gila County, Az, Sadie Tomerlin Dalton, Recorder