

ORDINANCE NO. 15

**AN ORDINANCE ESTABLISHING THE
OFFICE OF CITY ATTORNEY IN THE CITY
OF GOSHEN AS AN APPOINTIVE POSITION AND
PROVIDING FOR THE APPOINTMENT THEREOF.**

WHEREAS, the City of Goshen is a city of the second class; and,

WHEREAS, presently the City of Goshen is without legal representation, due to the resignation of its previous attorney, which resignation was triggered by a certain lawsuit, *Chandler et al. v. Town of Goshen, AR, et al.*, Case No. Civ 2002-261-2, in the Circuit Court of Washington County, Arkansas and which resignation was negotiated as part of the settlement of said lawsuit; and,

WHEREAS, the lack of legal representation creates an emergency for the City of Goshen, its elected representatives and the citizens of Goshen, Arkansas, as well as their health, safety, and welfare; and,

WHEREAS, the City of Goshen, its Mayor and four of the five City Council members are named as defendants in another lawsuit, *Andy Bethell, et al. v. Town of Goshen, AR, et al.*, Case No. CV-02-621, in the Circuit Court of Washington County, Arkansas; and

WHEREAS, it is necessary and appropriate to defend such lawsuit, requiring that the Office of City Attorney be filled in order that the City and its elected officials be represented by legal counsel in said lawsuit and that the City have legal advice regarding the ongoing business of the City; and

WHEREAS, the timing of the service of the summons by the plaintiffs in the aforementioned lawsuit was calculated to create and does create an emergency for the City and its elected officials in seeking counsel to represent their interests; and,

WHEREAS, Ark. Code Ann. 14-42-112 provides that the office of City Attorney may be filled by appointment upon passage of an ordinance for that purpose; and,

WHEREAS, the interests of the City and its citizens will be better served by filling the office of City Attorney by appointment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GOSHEN:

ARTICLE 1. The office of City Attorney is hereby established as an appointive position.

ARTICLE 2. Said office may be filled by appointment by the Mayor subject to approval by a majority of the City Council.

ARTICLE 3. The duties of the City Attorney shall be those as set forth in Ark. Code Ann. § 14-42-112 and such other duties as provided by state law or shall be prescribed by ordinance.

ARTICLE 4. The compensation of the City Attorney shall be set by the Council. The City Attorney may be removed from office upon majority vote of the Council.

ARTICLE 5. Emergency Clause: It is hereby declared that an emergency exists, and this Ordinance being necessary for the preservation of the health, safety, and welfare of the citizens of Goshen, Arkansas shall be effective immediately upon its passage, approval and publication.

PASSED AND APPROVED this 25th day of April, 2002.


Mayor

ATTEST:


City Recorder

ROLL CALL

Names of those voting YEA

James Boyd

Jim Northup

Max Poye

Fred Wizer

Names of those voting NAY

None

Absent

Andy Bethell

ORDINANCE NO. 15A

AN ORDINANCE RENEWING AND EXTENDING THE FRANCHISE OF TCA CABLE PARTNERS, ITS SUCCESSORS AND ASSIGNS, TO OWN, OPERATE AND MAINTAIN A COMMUNITY TELEVISION SYSTEM IN THE CITY OF GOSHEN, ARKANSAS

WHEREAS, on the 13th day of March, 1990, the City of Goshen, Arkansas (the "City") passed and approved Ordinance No. 6 (the "Franchise"), granting a fifteen (15) year franchise to Dave's Cable, Inc. and Harold D. or Laura A. Lovett and their successors and assigns, predecessors-in-interest to TCA Cable Partners ("Grantee"), to own, operate and maintain a community television system in the City;

WHEREAS, the provisions of the Franchise were amended by Ordinance No. VIII, passed and approved by the City on the 8th day of June, 1993;

WHEREAS, the initial term of the Franchise, as so amended, shall expire on the 12th day of March, 2005;

WHEREAS, Section 8 of the Franchise provides that the initial term of the Franchise may be extended for an additional fifteen (15) years, so long as (i) Grantee's cable service during the preceding franchise period has reflected a good-faith effort to serve the needs and interests of its franchise area, and (ii) Grantee has not demonstrated a callous disregard for the law and all pertinent regulations; and

WHEREAS, Grantee has delivered a written notice to the City exercising its option to extend the Franchise for an additional fifteen (15) years and confirming that the aforementioned preconditions have been satisfied.

NOW, THEREFORE, be it ordained by the governing authority of the City of Goshen, Arkansas, as follows:

SECTION 1: The City hereby acknowledges that the Franchise, as set forth in Ordinance No. 6 and as amended by Ordinance No. VIII, is extended on the same terms thereof for an additional fifteen (15) years and shall terminate on the 12th day of March, 2020.

SECTION 2: TCA Cable Partners is the current holder of the right, privilege and authority granted pursuant to the Franchise.

SECTION 3: Except as extended hereby, the Franchise shall remain in full force and effect and is hereby ratified and confirmed in all respects.

PASSED AND ADOPTED this 9th day of April, 2002.

Emil E Bower
Mayor, City of Goshen, Arkansas

ATTEST:

Adrian Saggitt
~~City Clerk~~ Recorder/Treas.

ACCEPTED this 23rd day of April, 2002:

TCA CABLE PARTNERS

By: TCA Management Company, its manager

By: Richard Hook
Name: Richard Hook
Title: Vice President General
Manager