

RESOLUTION NO. 734

A RESOLUTION PROVIDING THE CITY OF WILSONVILLE AUTHORIZATION FOR THE AMENDMENT OF BOTH THE INTERGOVERNMENTAL AGREEMENT ENTITLED, "INTERGOVERNMENTAL COOPERATION AGREEMENT - METROPOLITAN AREA COMMUNICATIONS COMMISSION" AND THE ADOPTED CABLE COMMUNICATIONS SYSTEM FRANCHISE AGREEMENT TO PERMIT AND AUTHORIZE THE CITY OF GASTON, OREGON TO BECOME A MEMBER OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION AND A PARTY TO THE FRANCHISE AGREEMENT, AS ADDENDED FOR GASTON.

WHEREAS, subsequent to the adoption of the Cable Communications System Franchise Agreement (hereinafter Franchise Agreement) between the jurisdictions participating in the Metropolitan Area Communications Commission (hereinafter Commission) and Columbia Cable of Oregon (hereafter Grantee), and subsequent to acceptance of the Franchise Agreement by Grantee, the City of Gaston, Oregon, requested that it be permitted to become a member of the Commission by amendment of the Intergovernmental Cooperation Agreement - Metropolitan Area Communications Commission (hereafter Intergovernmental Agreement) and further, by amendment of the adopted Franchise Agreement, that it become a part of the Franchise Agreement with Grantee; and

WHEREAS, Section 9.C. of the Intergovernmental Agreement provides that the Commission may allow other units of local government to enter into the Intergovernmental Agreement, subject to the possible imposition of an entrance fee or cost; and

WHEREAS, it would constitute an amendment of the Intergovernmental Agreement to add the City of Gaston as a member of the Commission and Section 9.E. of the Intergovernmental Agreement requires written authorization by the governing bodies of all members of the Commission for any amendment to the Intergovernmental Agreement subsequent to Commission approval of the Request for Proposal; and

WHEREAS, it would constitute an amendment of the Franchise Agreement adopted by the jurisdictions comprising the Commission to allow the City of Gaston to enter into

and become a party to the Franchise Agreement with Grantee, and such amendment requires the written concurrence of the governing body of each member jurisdiction of the Commission; and

WHEREAS, as a condition of approval by Grantee, the Franchise Agreement between the City of Gaston and Grantee shall contain an addendum which establishes a construction completion date in the City of thirty (30) days of grant of Franchise; and

WHEREAS, the Gaston City Council, by resolution will, subsequent to final Commission approval of their Request for Membership, authorize Gaston's entering into the Intergovernmental Agreement, ratify and approve Commission Resolutions No. 81-1 through 81-6; 82-2 through 82-8; 83-1 through 83-9; 84-1 through 84-9; 85-1 through 85-6; 86-1 through 86-9; 87-1 through 87-10; 88-1 through 88-11; and 89-1 through 89-5, which amended the original Intergovernmental Agreement, and Resolution 82-1, which approved the construction schedule submitted by Grantee and established February 10, 1982 as the effective date of the Franchise and will appoint a Commissioner and an Alternate Commissioner to represent the City; and

WHEREAS, Grantee has agreed in writing to the addition of the City of Gaston to the Commission and as a party to the Franchise Agreement, providing there is an addendum made to the Franchise Agreement between Gaston and Grantee, which establishes a date for completion of system construction in the City of thirty (30) days of grant of Franchise; and

WHEREAS, copies of said Agreement by Grantee and the addendum are attached hereto, marked "Exhibit A", and "Exhibit B", respectively, and by reference incorporated into this resolution as though fully set forth herein; and

WHEREAS, the Commission has considered the request and tentatively concurred on June 21, 1989, to amend both the Intergovernmental Agreement and the adopted Franchise Agreement, providing the governing bodies of all members of the commission authorize and concur with such amendments; and

WHEREAS, the City Council having considered the matter and having deemed it to be in the best interest and general welfare to the citizens of the City of Wilsonville to authorize the amendments to the Intergovernmental Agreement and the Franchise Agreement by allowing the City of Gaston, Oregon to join the Commission as a full member and become a party to the Franchise Agreement.

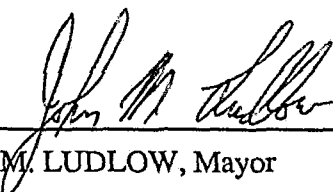
NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1: The Commission is hereby authorized by the City of Wilsonville to amend the Intergovernmental Agreement and Franchise Agreement as necessary and as requested by Grantee regarding the construction schedule to allow the City of Gaston, Oregon to enter into the Intergovernmental Agreement and become a full member of the Commission and become a party to the Franchise Agreement, with all the attendant rights, duties and obligations arising from both agreements, such authorization and concurrence being given in accordance with and as required by section 9.E. of the Intergovernmental Agreement and Section 1.5 of the adopted Franchise Agreement.


Section 2: The City Council, by this Resolution, understands and agrees that should any subsequent events arise which the Commission deems to be sufficient to preclude such amendments to the Intergovernmental Agreement and Franchise Agreement, the Commission may decide not to amend the Agreements in such a manner.

Section 3: The City Recorder shall deliver forthwith a true copy of this Resolution to the Administrator of the Commission.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 7th day of August, 1989, and filed with the Wilsonville City Recorder this same date.

  
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JOHN M. LUDLOW, Mayor

ATTEST:

  
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DEANNA J. THOM, City Recorder Pro-Tem

SUMMARY of Votes:

Mayor Ludlow	<u>AYE</u>
Councilor Edwards	<u>ABSENT</u>
Councilor Chandler	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Dant	<u>AYE</u>



14200 SW Brigadoon Court  
Beaverton, OR 97005 • (503) 644-3188

July 12, 1989

Bruce Crest  
Administrator  
Metropolitan Area Communications Commission  
1815 NW 169th Place, Suite 6020  
Beaverton, Oregon 97006-4886

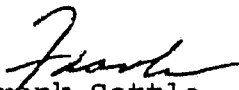
Dear Bruce:

Columbia Cable of Oregon would like to provide cable television service to the City of Gaston, Oregon. We agree with Gaston joining the Commission for this purpose and becoming a party to our existing Franchise Agreement with MACC.

However, we would propose that the existing construction time lines be amended to provide a 30 day period after the grant of the Franchise for construction and activation of the system within Gaston.

Other Franchise provisions, as amended, would continue to apply.

Thank you for your assistance.

  
Frank Settle  
General Manager

FS:km

EXHIBIT B

"4.21 Addendum to Gaston Franchise Agreement Regarding Construction Schedule. As required by Grantee as a condition of approval to the City of Gaston becoming a member jurisdiction of the Commission, with all attendant powers, rights and responsibilities of membership, the specific requirements of Section 4.2 Construction Schedule, which require completion of system construction within twenty-four months of commencement thereof, shall not apply. Instead, Grantee agrees to complete system construction and have activated within thirty (30) days of grant of Franchise, the residential subscriber network to serve the City of Gaston.

If the City of Gaston expands due to annexation or other means, service shall be made available to the new area(s) upon the same basis as required in Section 4.5 Provision of Residential Service of the Franchise Agreement as amended in 1985.

All public buildings and facilities shall be served by the Institutional Subscriber Network (commonly known as the Public Communications Network) as provided for in the Cable Communications System Franchise Agreement and subsequent 1985 Amendment (Section IV.), between the jurisdictions and Grantee, effective date February 10, 1982.

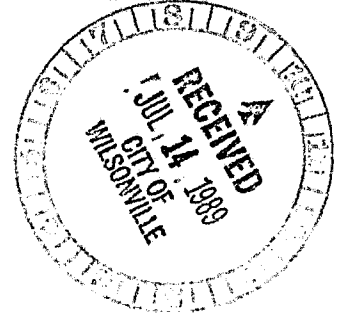
All other provisions of Section 4. Construction and Service Requirements of the Franchise Agreement, as amended, shall be fully applicable, including relevant provisions of Section 4.2, thereof."

# MAC METROPOLITAN AREA COMMUNICATIONS COMMISSION

1815 N.W. 169th Place • Suite 6020 • Beaverton, OR 97006-4886 • 629-8534

July 13, 1989

Peter Wall, City Manager  
City of Wilsonville  
PO Box 220  
Wilsonville, OR 97070



RE: Request for Your Consent for City of Gaston to Join Commission

The Board of the Metropolitan Area Communications Commission (MACC) by consensus, is recommending that the member jurisdictions consider the request of the City of Gaston to join the Commission.

Attached is a staff report outlining this request and a copy of a model resolution for your City to consider which would grant Gaston Commission membership through amendment of the Intergovernmental Cooperation Agreement and MACC Franchise. All fifteen member jurisdictions would need to pass this resolution for it to become effective. A brief summary of the enclosed report follows:

## REPORT SUMMARY

On July 6, 1989, the City of Gaston formally requested membership in MACC. This follows a request to the City by Columbia Cable of Oregon (current MACC Franchise holder) to provide cable service to the City and surrounding area. The last jurisdictions to join MACC were in 1984 (Durham, North Plains, and Wilsonville).

Gaston is the only incorporated city in Washington County not a member of MACC. This resulted from the fact that in 1983 Storer Cable (the original MACC Franchise holder), did not think that it would be economically feasible to provide service to the Gaston area. Since then several events have taken place to change that circumstance: (1) Storer Cable extended the Public Communications Network Cable (PCN) to the Gaston fire station and Unified Sewage Agency (USA) pumping stations which helps to reduce today's cost of cable installation; (2) the population density of Gaston and the surrounding area has increased; (3) cable costs and technology have changed making such a cable "build" more feasible; (4) a survey conducted by Columbia and the City demonstrated that a sufficient number of residences would subscribe to cable if available; and, (5) the current cable operator, Columbia, feels that service to this area fits into their overall construction/financial plans and has indicated that

2costs for this project will not adversely impact other Columbia Cable subscribers.

Results of Your Action

If all fifteen jurisdictions consent to Gaston's membership and Gaston approves the current MACC Franchise and Intergovernmental Cooperation Agreement, a resolution will be considered by the MACC Board at their September 1989 meeting to formally admit Gaston as the sixteenth MACC jurisdiction and grant a franchise to Columbia. Upon successful completion of this process, Gaston cable construction would be complete within 30 days of grant of Franchise.

The Commission staff sees no adverse affect of the admission of Gaston on other member jurisdictions in light of Columbia's statement that this project will not adversely effect other Columbia Cable subscribers.

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Upon action by your Council (prior to September 21, 1989), please execute and return two certified copies of the enclosed resolution to the MACC Administrative Office.

If additional information is required or you have any questions, please feel free to contact me.

Thank you for your consideration of these important issues.

Sincerely,



Bruce Crest  
Administrator

Enclosure

cc: MACC Commissioners