

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO.

15-90

) IN THE MATTER OF AMENDING CHAPTER
) 8 OF LANE CODE TO CHANGE METRO-
) POLITAN AREA CABLE TELEVISION
) FRANCHISE TO CABLE FRANCHISE AND
) ADD COUNTY CABLE COMMUNICATIONS
) AND ADD A SEPARABILITY CLAUSE

Pursuant to the Lane County Charter, Chapter II, sections 5 and 6, the Board of County Commissioners of Lane County ordains as follows:

Chapter 8 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THIS PAGE

8.005 - 8.005
i.e. 8-1
(a total of one page)

INSERT THIS PAGE

8.005 - 8.005 to
8.515(4) - 8.525
i.e. 8-1 to 8-3
(a total of three pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to change Metropolitan Area Cable Television Franchise to Cable Franchise and add County Cable Communications.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

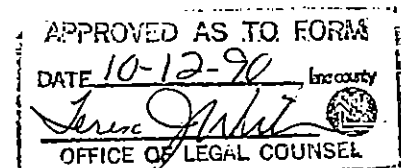
Enacted this 7th day of November 1990.

Bill Rogers

Chair, Lane County Board of
Commissioners

Judy Haldeman

Recording Secretary for this
Meeting of the Board



1 - IN THE MATTER OF AMENDING CHAPTER 8 OF LANE CODE TO CHANGE METROPOLITAN AREA CABLE TELEVISION FRANCHISE TO CABLE FRANCHISE AND ADD COUNTY CABLE COMMUNICATIONS AND ADD A SEPARABILITY CLAUSE
bcj/3972

CABLE FRANCHISE

8.005 Metropolitan Area Cable Television Franchise. (Due to its length, copies of the 15-year Franchise Ordinance are on file with the Metropolitan Area Cable Television Commission, Lane County Board of County Commissioners, Lane County General Administrator and Lane County Counsel).

23-78; 11.3.78
5-81; 4.8.81
4-82; 3.10.82

8-1

WP 1/co/00018/C
REV: 1/cr/00033/C

COUNTY CABLE COMMUNICATIONS

8.500 Title. This subchapter shall be referred to as County Cable Communications.

8.505 Purpose and Intent. The Lane County Board of County Commissioners has determined that it is in the public interest and necessary for the promotion of the safety, convenience, comfort, prosperity and general welfare of the citizens of the County to identify the conditions upon which the County will grant a franchise or franchises to construct and operate a cable communications system.

8.510 Definitions. For the purpose of this subchapter, unless the context requires otherwise, the following words and phrases shall mean:

Cable Communications System or System. A system of antennas, cables, amplifiers, towers, microwave links, cable-casting studios, and any other conductor, converters, equipment or facilities designed and constructed for the purpose of producing, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electrical signals.

Franchise. The privilege conferred upon a person, firm or organization by the County to operate a cable communications system under the terms and provisions of this subchapter.

Franchisee. The person, firm or organization to which a franchise is granted to operate a cable communications system pursuant to the authority of this subchapter.

8.515 Authority. To the extent allowed by law, the Board of County Commissioners of Lane County recognizes, declares and establishes the authority to regulate the development and operation of a cable communications system (hereinafter system) for the unincorporated area of the County excluding areas covered by the Metropolitan Area cable franchise provided in LC 8.005 above, and to exercise all powers necessary for that purpose, including, but not limited to, the following:

(1) To grant by resolution and order, nonexclusive franchises for the development and operation of a system or systems.

(2) To contract, jointly agree or otherwise provide with other local or regional governments, counties or special districts for the development, operation, and/or regulation of a system, or franchises therefor, notwithstanding the fact that the system extends beyond the jurisdiction of the County.

(3) To purchase, hire, construct, own, maintain or operate or lease a system and to acquire property necessary for any such purpose.

(4) To regulate and supervise all facets of a system, including but not limited to:

(a) Consumer complaints.

(b) Disputes among the County franchisees and consumers.

- (c) Fair employment practices.
- (d) The development, management and control of a government access channel as well as development of other access channels.
- (e) Rates and review of finances for rate adjustments.
- (f) Construction timetables and standards.
- (g) Modernization of technical aspects.
- (h) Ensuring adherence to federal and state regulations.
- (i) Franchise transfer and transfer of control of ownership.
- (j) Franchise renewal and/or franchise revocation.
- (k) Enforcement of buy-back, lease-back or option-to-purchase provisions.
- (l) Receivership and foreclosure procedures.
- (m) Compliance with County standards for use of the public right-of-way.

8.520 Franchise Requirements. Prior to entering into any franchise agreement, the Board will establish and follow an open and fair process that provides for public input to determine the area to be served, the minimum standards for service, public benefits, including fees, to be provided by the applicants for a franchise or operator of the cable system, and the procedures to be used to select an operator or operators to serve the areas in question. In addition to whatever terms the Board finds to be in the public interest, any franchise agreement shall, at a minimum, provide the following:

- (1) Any franchise agreement entered into shall be nonexclusive.
- (2) Any franchise agreement shall be nontransferable nor may a change of control or ownership of the operator occur without the consent of the Board.
- (3) Any franchise agreement shall be revocable for cause.

8.525 Intergovernmental Agreements. The Board may approve intergovernmental agreements as authorized by Oregon law, with any other jurisdiction to provide for the joint regulation and control of any cable communications system operated on a unified basis in more than one jurisdiction. Such agreement may provide for the delegation of any and all powers of the Board authorized in this subchapter to a commission provided for in the intergovernmental agreement, except for the powers to enter into or revoke franchise agreement.

UNDERLINING _____ indicates material being added.

LEGISLATIVE FORM

BRACKETS [] indicate material being deleted.

8.005

Lane Code

8.005

[METROPOLITAN AREA] CABLE [TELEVISION] FRANCHISE

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