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## Chapter 8

### CABLE FRANCHISE

#### **8.005 Metropolitan Area Cable Television Franchise.**

(Due to its length, copies of the 10-year Franchise Renewal Ordinance are on file with the Metropolitan Policy Committee, Lane County Board of County Commissioners, Lane County Administrator and Lane County Counsel). *(Revised by Ordinance No. 23-78, Effective 11.3.78; 5-81, 4.8.81; 4-82, 3.10.82; 6-85, 9.17.85; 15-90, 12.7.90; 6-91, 6.6.91; 12-07, 11.30.07)* [Scrivener note: The Ordinance is also available on the Internet at: [http://www.lanecounty.org/BCC\\_Info/Meeting\\_Info/2007/OrderText/10-31/Passed/12-07.pdf](http://www.lanecounty.org/BCC_Info/Meeting_Info/2007/OrderText/10-31/Passed/12-07.pdf)

#### **8.010 Falcon Cable Systems Television Franchise.**

(Due to its length, copies of the Franchise Ordinance are on file with the Lane County Board of County Commissioners, Lane County Administrator and Lane County Counsel.) *(Revised by Ordinance No. 6-92, Effective 7.24.92)* [Scrivener note: The Ordinance is also available on the Internet at: [http://www.lanecounty.org/BCC\\_info/Meeting\\_Info/OrderText/1992/Ordinance/6-92.pdf](http://www.lanecounty.org/BCC_info/Meeting_Info/OrderText/1992/Ordinance/6-92.pdf)

### COUNTY CABLE COMMUNICATIONS

#### **8.500 Title.**

This sub-chapter shall be referred to as County Cable Communications. *(Revised by Ordinance No. 15-90, Effective 12.7.90)*

#### **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. *(Revised by Ordinance No. 15-90, Effective 12.7.90)*

#### **8.510 Definitions.**

For the purpose of this sub-chapter, 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 sub-chapter.

**Franchisee.** The person, firm or organization to which a franchise is granted to operate a cable communications system pursuant to the authority of this sub-chapter. *(Revised by Ordinance No. 15-90, Effective 12.7.90)*

#### **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. *(Revised by Ordinance No. 15-90; Effective 12.7.90)*

### **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. *(Revised by Ordinance No. 15-90; Effective 12.7.90)*

### **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 sub-chapter to a commission provided for in the intergovernmental agreement, except for the powers to enter into or revoke franchise agreement. *(Revised by Ordinance No. 15-90; Effective 12.7.90)*

**COMMUNICATIONS FIBER CONSORTIUM AGREEMENT****8.600 Regional Fiber Consortium.**

(1) It is the intent of the Lane County Board of Commissioners to join in the creation of an intergovernmental entity, to be known as the Regional Fiber Consortium comprised of a combination of the prior Regional Fiber Consortium and the Fiber South Consortium, by an agreement to be entered into by Lane County and other units of local government pursuant to the provisions of ORS 190.003 *et seq.*

(2) The effective date of such intergovernmental agreement shall be the date of execution by Lane County.

(3) The public purposes for which the Regional Fiber Consortium shall operate shall be:

(a) To assume ownership and control of fiber optic cable obtained by the Consortium, or by any member government, that the government, in its discretion, deems it is appropriate to contribute to the Consortium;

(b) To work to develop a fiber optic system, or components thereof, that best serves the public interest in an efficient manner;

(c) To provide a forum for communication and consultation among members and to provide an opportunity for a cooperative and equitable sharing of information regarding the potential for broadband development;

(d) To operate as an independent entity, taking appropriate actions to facilitate the development of improved telecommunications within the region for the benefit of residents of the region;

(e) To acquire such additional tangible and intangible assets as are deemed necessary to fulfill the other purposes of the Consortium; and

(f) To combine the assets of the Regional Fiber Consortium and the Fiber South Consortium, and thereafter use those assets to make the greatest possible advances to telecommunication services within the region comprised by the jurisdictional territories of the members of the former Fiber South Consortium and the Regional Fiber Consortium.

(4) The powers, duties and functions of the Regional Fiber Consortium consistent with the purposes listed in LC 8.600(3) above shall be:

(a) Plan for fiber optic system development for the Consortium.

(b) Direct and manage the use of a fiber optic system or systems obtained by the Consortium or its members for the Consortium.

(c) Carry out further responsibilities and functions approved by the Consortium governing body to fulfill the purposes of the Consortium, provided action to amend the intergovernmental agreement shall be taken for those responsibilities or functions that are different than those listed in LC 8.600(4)(a) and (b). (*Revised by Ordinance No. 8-99, Effective 12.3.99; 11-07, 10.26.07*)