

RESOLUTION NO. 5219-14

A RESOLUTION EXTENDING THE TERM OF THE CABLE TELEVISION SERVICES AGREEMENT WITH COMCAST OF OREGON II, INC. TO ENABLE THE METROPOLITAN AREA COMMUNICATIONS COMMISSION TO COMPLETE THE FORMAL RENEWAL PROCESS

WHEREAS, the Metropolitan Area Communications Commission, hereinafter "MACC," is an intergovernmental cooperation commission formed by Intergovernmental Agreement ("IGA") under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, Tualatin and West Linn as members ("Member Jurisdictions"); and

WHEREAS, the IGA contemplates that MACC and its Member Jurisdictions may grant one or more nonexclusive cable franchise agreements to construct, operate, and maintain a cable service system within the combined boundaries of the Member Jurisdictions; and

WHEREAS, on February 1, 1999, MACC and its Member Jurisdictions at that time, granted nonexclusive cable franchise agreements ("Comcast Franchises") which are now held by Comcast of Oregon II, Inc. ("Comcast"); and

WHEREAS, on March 9, 2011, Comcast requested that the Comcast Franchises be renewed; and

WHEREAS, the IGA authorizes MACC to process Comcast's renewal request on behalf of the Member Jurisdictions, including informal negotiations as set forth in 47 U.S.C. 546 (h) and the formal renewal process set forth in 47 U.S.C. 546 (a)-(g); and

WHEREAS, in its letter of April 5, 2011, MACC properly responded to Comcast's request for renewal of the Comcast Franchises and thereafter commenced the franchise renewal process set forth in federal law at 47 U.S.C. 546; and

WHEREAS, on January 24, 2013, MACC directed staff to begin informal franchise renewal negotiations with Comcast, as set forth in 47 U.S.C. 546 (h), which informal negotiations began in February 2013; and

WHEREAS, on November 22, 2013, the MACC Executive Committee directed MACC staff to begin the formal renewal process set forth in 47 U.S.C. 546 (a-g), which direction the MACC Board of Commissioners ratified by Resolution 2013-08 on December 11, 2013; and

WHEREAS, the Member Jurisdictions previously agreed to extend the term of Comcast Franchises to December 31, 2014, to provide time for MACC to process

Comcast's franchise proposal under the formal process rules prior to expiration of the Comcast Franchises; and

WHEREAS, on October 9, 2014, the MACC Commission adopted Resolution 2014-03, recommending that Member Jurisdictions extend the Comcast Franchises to June 30, 2015, to allow MACC and Comcast additional time to complete the formal renewal process; and

WHEREAS, Comcast has agreed to execute extension agreements with each Member Jurisdiction; and

WHEREAS, the City of Tualatin finds that it is in the best interest of the City and its residents to extend the term of the Comcast Franchise to allow MACC to complete the formal renewal process.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The Mayor is hereby authorized to execute the extension agreement with Comcast substantially in the form attached hereto as Exhibit A to allow MACC to complete the formal renewal process set forth in 47 U.S.C. 546 (a)-(g).


Section 2. This resolution shall be effective from and after its adoption.

Adopted by the City Council this 24th Day of November, 2014.

CITY OF TUALATIN, OREGON

BY 
Mayor

APPROVED AS TO FORM

BY 
City Attorney

ATTEST:

BY 
City Recorder

FRANCHISE EXTENSION AGREEMENT

WHEREAS, Comcast of Oregon II, Inc. ("Comcast Oregon") currently holds, through its subsidiary, Comcast of Tualatin Valley, Inc. ("Comcast Tualatin"), formerly TCI Cablevision of the Tualatin Valley, Inc., a cable franchise with the City of Tualatin ("City"), with an effective date of February 1, 1999, which was to expire on January 31, 2014 ("Franchise"); and

WHEREAS, the City entered into an Intergovernmental Agreement, in accordance with ORS Chapter 190, with the Metropolitan Area Communications Commission ("MACC") for transfer of administration responsibilities associated with the Franchise, including renewal negotiations; and

WHEREAS, the City and Comcast Oregon subsequently agreed, pursuant to a franchise extension agreement dated April 7, 2014, to extend the term of the Franchise to December 31, 2014; and

WHEREAS, MACC, on behalf of the City, has been working to process Comcast's response to MACC's request for a formal renewal proposal for renewal of the Franchise in accordance with 47 U.S.C. 546 ("Proposal"); and

WHEREAS, the City and Comcast Oregon wish to extend the Franchise to allow for additional negotiations toward agreement on a renewed franchise agreement, as well as to provide time for MACC to process Comcast's Proposal under the formal renewal process, prior to expiration of the Franchise.

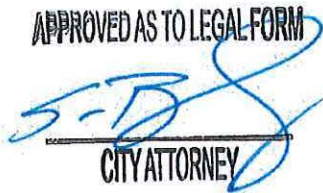
NOW, THEREFORE, the City and Comcast Oregon agree as follows:

1. The Franchise shall be extended to expire on June 30, 2015, unless a renewed franchise agreement takes effect prior to that date, in which case the Franchise shall expire on the effective date of the renewed franchise.


2. All provisions of the Franchise, other than the duration of the Franchise as set forth in Section 1, shall remain in full force and effect through the expiration date set forth herein.

3. The parties do not waive any rights which they enjoy under law as a result of agreeing to this Franchise Extension Agreement.

ACCEPTED this 24 day of November, 2014.

APPROVED AS TO LEGAL FORM

CITY ATTORNEY

City of Tualatin, Oregon

By: 
Print Name: Sherilyn Lombas
Title: City Manager

ACCEPTED this _____ day of _____, 2014.

Comcast of Oregon II, Inc.

By: _____
Print Name: _____
Title: _____