

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO 354

An ordinance relating to the franchising and regulation of cable communications system; creating new provisions and repealing Multnomah County Code, Chapter 6.60, declaring an emergency.

Multnomah County ordains as follows:

Section 1. Definitions. For the purposes of this ordinance unless the context requires otherwise:

A. Access. Also sometimes referred to as "community access." Access refers to the right of various agencies, organizations, and individuals in the community to use the cable system to acquire, create, and cablecast programming in the public interest. Access provided to individuals on a first-come, first-serve basis is often called "public access." This definition explicitly includes the cooperation of the cable system operator through a cable access corporation in providing access users at no charge with channel space, equipment, studio facilities, financial support and staff assistance in using the technology of programming and cablecasting. Such access is not to be confused with leased access or local origination programming.

B. Cable Access Corporation (CAC). A nonprofit, public corporation whose duties include the management of public access channels.

C. Cable Communications System, Cable Television System, or System, Sometimes Referred to as Cable TV System. A system of antennas, cables, amplifiers, towers, microwave links, cable-casting studios, and any other conductors, terminals, converters, equipment or facilities, designed and constructed for the purposes of distributing video programming to subscribers and of producing, receiving, amplifying, storing, processing, or distributing audio, video, digital, or other forms of electronic or electrical signals.

D. Franchise Agreement. A duly authorized and executed agreement entered into between the County and a cable system operator granting permission to the operator to construct, operate and maintain a cable communications system within a specified area and providing for the terms and conditions of such system and the regulation thereof by the County or its agents.

E. Institutional Services. One-way and two-way cable communication services provided to facilitate the operations of businesses, schools, public agencies, and other organizations, as well as enterprises conducted by individuals in their homes.

F. Institutional Subscriber Network, or Institutional Network, or Institutional System. A cable communications network designed principally for the provision of institutional services.

G. Local Origination Service. Programming which is locally produced, selected, and scheduled for use on the cable system, solely under the control of the cable company or a designated local third party; also channel space, facilities, equipment and operating support provided by the cable company to create and deliver such programming.

Section 2. The Board has determined that it is in the best interests of the citizens of Multnomah County for the Board to exercise its general powers and the authority it possesses to regulate the use of public streets and ways by adopting regulations regarding cable communications systems. In addition, the Board should provide authority for the County to enter into cable communications franchise agreements.

Section 3. The Board has further determined that it is in the public interest that any cable communications systems built in the unincorporated areas of the County be considered part of an integrated regional communications system.

Section 4. Board has further determined that the unincorporated area of the County located east of the boundaries of the City of Portland can best be served by a cable communications system if such unincorporated area is considered to be a common community with the Cities of Gresham, Troutdale, Fairview and Wood Village and is served by a unified system.

Section 5. The construction and operation of such a unified system serves the public interest in that the boundaries of the jurisdictions of Multnomah County, Gresham, Troutdale, Fairview and Wood Village do not coincide with the needs of the citizens of those jurisdictions for a unified cable communications system. In particular, service areas of public and private agencies such as schools and banks cross jurisdictional boundaries. Local origination, public access programming and an institutional network require a uniform compatible system throughout this area. In addition, a unified system will provide a more competitive environment which will result in the provision of a sophisticated state of the art communications system. This system will be more competitive with other telecommunication providers who are able to operate without using public rights of way and, therefore, are not restricted in their ability to cross jurisdictional boundaries.

Section 6. The Board acknowledges that this Chapter was adopted after public hearings have been held wherein the citizens of Multnomah County have had an opportunity to express their opinions.

Section 7. The Board may approve agreements authorizing the construction, operation and maintenance of cable communications systems for all or any part of the unincorporated area of the County.

Section 8. Prior to entering into any franchise agreement authorized by Section 7, 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

to be provided by the operator of the cable system, and the procedures to be used to select an operator or operators to serve the area in question.

Section 9. In addition to whatever terms the Board finds to be in the public interest, any franchise agreement authorized by Section 7 shall at a minimum provide the following:

A. All rates to be charged by the operator for services to subscribers shall be subject to regulation by the Board as it deems fitting and proper except as may be prohibited by law.

B. Any franchise agreement entered into shall be nonexclusive.

C. Any franchise agreement shall be nontransferable nor may a change of ownership of the operator occur without the consent of the Board.

D. Any franchise agreement shall be revocable for cause.

Section 10. The board may approve intergovernmental agreements as authorized by Oregon law, with any other jurisdiction and in particular with the Cities of Gresham, Troutdale, Fairview and Wood Village 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 Chapter to a commission provided for in the intergovernmental agreement, except for the powers to enter into or revoke franchise agreement.

Section 11. The Board may authorize the creation of a non-profit corporation to oversee, regulate, operate and control any dedicated access channels provided for in any franchise agreement.

Section 12. The Board may, from time to time as it deems to be in the public interest, adopt further regulations governing the construction, operation and maintenance of cable communications systems and any franchise agreements for such systems.

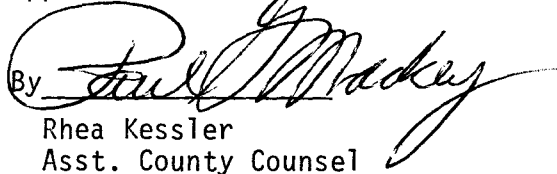
Section 13. Multnomah County Code Chapter 6.60 is repealed.

This ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, an emergency is declared to exist. This ordinance shall take effect immediately upon its adoption by the Board of County Commissioners and authentication by the County Executive.

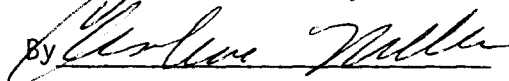
(SEAL)

Adopted this 9th day of December, 1982

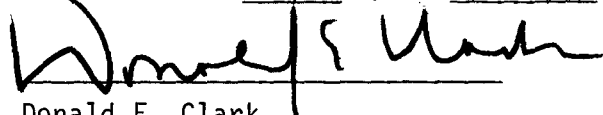
Approved as to form

By 
Rhea Kessler
Asst. County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 
Caroline Miller
Presiding Officer

Authenticated this 13th day of December, 1982


Donald E. Clark
County Executive