

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2018-118

Approving a Limited Extension of Mt. Hood Cable Regulatory Commission Franchise.

The Multnomah County Board of Commissioners Finds:

- A. The Mt. Hood Cable Regulatory Commission (MHCRC) was created by an Intergovernmental Agreement dated December 24, 1992, to carry out cable regulation and administration on behalf of Multnomah County and the cities of Gresham, Fairview, Portland, Troutdale, and Wood Village.
- B. MHCRC acts in an advisory capacity to the jurisdictions in connection with renewal or extension of any cable franchise.
- C. The Multnomah County Board of Commissioners granted a cable franchise agreement to Cascade Access, LLC, on July 17, 2008, by Resolution No. 08-105, which term expires on December 31, 2018.
- D. At a meeting held November 19, 2018, the MHCRC adopted Resolution No. 2018-02, recommending the Multnomah County Board of Commissioners grant an extension of the term of the Franchise to June 30, 2019.
- E. The MHCRC determined that the public interest will be served by granting a Franchise extension, as Cascade Access, LLC, has represented to the MHCRC that it will not seek renewal or extension of the Franchise except for the limited extension necessary to conduct orderly disconnects with cable subscribers, remove tangible components of its cable system from County Streets, and restore the County Streets by June 30, 2019.

The Multnomah County Board of Commissioners Resolves:

To approve a limited extension of the term of the cable franchise granted to Cascade Access LLC, on July 17, 2008, by Multnomah County Resolution No. 08-105, through and including June 30, 2019 to allow Cascade Access LLC to conduct orderly disconnects with cable subscribers and remove tangible components of its cable system from County Streets and restore the County Streets.

- a. Section 1.2 of the Franchise is amended to delete the date "December 31, 2018" and substitute the date "June 30, 2019".
- b. All other terms and provisions of the Franchise, together with all related documents and agreements pertaining thereto, shall continue in effect without modification.

- c. On or before January 1, 2019, Cascade Access LLC shall file a written, executed acceptance of this Resolution, meeting the approval of the Multnomah County Board of Commissioners' Legal Counsel. The written acceptance shall be in the form attached hereto as Exhibit 1.
- d. The executed acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained therein.
- e. The failure, refusal or neglect by Cascade Access LLC to file such written acceptance by such time shall constitute an abandonment and rejection of the rights and privileges conferred hereby and this resolution shall thereupon be null and void.
- f. Upon expiration of the Cascade Access LLC Franchise on June 30, 2019, all of Cascade Access LLC's rights under the Franchise shall immediately cease and be divested by operation of Section 20.5 of the Franchise.

ADOPTED this 20th day of December, 2018.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

Jenny M. Madkour

By _____
Jenny M. Madkour, County Attorney

SUBMITTED BY: Lori Stegmann, Commissioner, District 4

EXHIBIT 1
ACCEPTANCE OF EXTENSION OF TERM OF CABLE FRANCHISE
Cascade Access LLC/Multnomah County, Oregon

From: Multnomah County, Oregon
[ADDRESSEE]

To: Mt. Hood Cable Regulatory Commission
111 SW Columbia St, Suite 600
Portland, OR 97201

This is to advise the Multnomah County Board of Commissioners that Grantee Cascade Access LLC hereby unqualifiedly accept the provisions applicable to them of Resolution No. ____, adopted by the Multnomah County Board of Commissioners on the 20th of December, 2018, extending the term of the cable franchise granted by Multnomah County, Oregon to June 30, 2019 and agree, as applicable, to abide by the following terms and conditions:

- a. In all respects and without exception, Cascade Access LLC (“Grantee”) agrees and acknowledges that the extension of the term of the Franchise will not affect, diminish, impair or supersede the binding nature of the existing valid ordinances, franchises, resolutions and agreements applicable to operation of the cable system, including, but not limited to any existing guarantees, and that during the term of the extension Grantee shall comply with each and every provision of the Franchise including all lawful applicable ordinances, orders, contracts, agreements, commitments, side letters, and regulatory actions taken pursuant thereto, as applicable, whether prior or subsequent to the date of the term extension that is the subject of this Acceptance.
- a. Grantee does not waive and expressly reserve all legal rights they may have under the current Franchise and applicable law, and Grantee specifically acknowledges and expressly accepts that Multnomah County, Oregon does not waive and expressly reserves all legal rights and authority in regard to any and all non-compliance under the Franchise that may now exist or may later be discovered to have existed during the term of the Franchise, whether prior or subsequent to the date of the term extension that is the subject of this Acceptance.
- a. Grantee acknowledges that it is obligated and will abide by Section 20.5 of the Franchise, which provides that Grantee shall remove its Facilities from the Streets and restore the Streets to such condition as the County may require; that if Grantee should fail to do so, then the County may perform the work and collect the cost thereof from the Grantee; that the cost thereof shall be a lien upon the system of the Grantee and a set-off against any sums owed Grantee by County; and further that all of Grantee’s rights under the Franchise shall immediately cease and be divested as of the expiration of the Franchise on June 30, 2019.

CASCADE ACCESS LLC

STATE OF _____)
) ss.
County of _____)

By _____

Name:

Title:

This Acceptance was acknowledged before me on
the _____ day of _____, 2018, by

as _____, a duly
authorized officer of Cascade Access LLC.

Date: _____, 2018

Notary Public for _____
My Commission Expires _____

APPROVED AS TO FORM:

County Attorney for Multnomah County, Oregon