

ORDINANCE NO. 791-A

Introduced by Commissioner Max F. BINGAMAN

AN ORDINANCE AMENDING ORDINANCE NO. 595-A, TO PROVIDE FOR AMENDMENTS TO THE NON-EXCLUSIVE FRANCHISE FOR A COMMUNITY ANTENNA TELEVISION SYSTEM AWARDED TO McCaw Cablevision of the Northwest, Inc.

WHEREAS, The City Commission of the City of Warrenton, Oregon, on April 2, 1973, did adopt Ordinance 595-A, awarding a non-exclusive franchise for a community antenna television system in Warrenton, Oregon to Cox Cablevision Corp; and

WHEREAS, this Commission on September 18, 1985, did adopt Resolution No. 594, consenting to the transfer of said franchise to McCaw Cablevision of the Northwest, Inc.; and

WHEREAS, this Commission has determined it is in the best interests of the City to amend said franchise in certain respects; and

WHEREAS, this Commission has made such inquiry as it deems necessary regarding said amendments, therefore,

The city of Warrenton ordains as follows:

Section 1. Section 9, Approval of Transfer, of Ordinance No. 595-A is deleted in its entirety and replaced by the following:

Section 9, Approval of Transfer, is deleted in its entirety and replaced by the following:

Section 9. Transfer of Franchise. The Company may lease, assign or otherwise convey or transfer this franchise effective upon Company giving to City evidence of the assignee's financial ability to assume the responsibilities under the franchise and comply with all applicable laws, and assignee's assumption of all obligations hereunder, provided that assignments to affiliated entities, including parent or subsidiary corporations or partnerships or joint ventures in which Company has a controlling management interest, shall be effective upon receipt by the City of that assignee's assumption of obligation hereunder and agreement to comply with all applicable laws. Company may, upon notice to the City, assign, mortgage or grant a security interest in its rights under this franchise if necessary to obtain funds for the purchase, improvement or operation of the system. Any assignee or secured party shall be subject to all rights of City hereunder.

Section 2. Sections 13 and Sections 18 of Ordinance 595-A are amended as follows:

The terms "gross local service revenue" and "gross service revenue," as used in Section 13 and Section 18, are defined as all subscriber receipts from the provision of cable services in the City, less taxes collected by or imposed on Company, leased channel or advertising revenues, and copyright fees. The following provisions are added to Section 13 immediately following the first sentence:

"The City shall have the right at any time during the 15 year franchise period to increase or decrease the franchise fee within the limits defined in the Cable Communications Policy Act of 1984 upon 90-day written notification provided to the Company. The Company shall be entitled to state this amount separately on its bills to subscribers.

Section 3. Section 15 and its Exhibit A of Ordinance 595-A is deleted in its entirety and replaced by the following:

Section 15 Rates. The Company shall have the right to charge and collect compensation from all persons, firms and corporations to whom it may furnish television reception service. The subscriber rates shall at all times be fair, just and equitable. Company shall have the right to make additional charges to subscribers and separately state on the subscriber's bill any amounts charged to or collected from Company by governmental entities.

Section 4. Section 19, Term of Franchise, is amended to read as follows:

Section 19. Term of Franchise. The rights, privileges, and franchise herein granted shall continue and be in force for the period of fifteen (15) years from and after the date on which McCaw Cablevision of the Northwest, Inc. accepts the transfer and amendment of this franchise. Company shall be entitled to renew this franchise according to the provisions of the Cable Communications Policy Act of 1984, as now exists. Any provisions to the contrary in this franchise are hereby superseded.

Section 5. This Ordinance shall become effective upon acceptance hereof by McCaw Cablevision of the Northwest, Inc.

First Reading: January 22, 1986.

Second Reading: February 19, 1986

Passed by the City Commission of the City of Warrenton, Oregon this 19th day of February, 1986.

Examined and approved by the Mayor of the City of Warrenton, Oregon, this 19th day of February, 1986.



Mayor

ATTEST:



Auditor and Police Report