

CITY OF SHERWOOD, OREGON

RESOLUTION NO. 227

A RESOLUTION ADOPTING A CERTAIN FRANCHISE AGREEMENT ENTITLED "CABLE COMMUNICATIONS SYSTEM FRANCHISE AGREEMENT BETWEEN THE JURISDICTIONS PARTICIPATING IN THE METROPOLITAN AREA COMMUNICATIONS COMMISSION AND STORER METRO COMMUNICATIONS, INC." AS THE FRANCHISE AGREEMENT FOR THE CITY OF SHERWOOD; ELECTING FURTHER TO REMAIN A MEMBER AND BE BOUND BY THE DECISIONS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION; AND PROVIDING FOR RETURN OF THIS RESOLUTION AND THE EXECUTED FRANCHISE AGREEMENT AS SET FORTH HEREIN.

WHEREAS, the City of Sherwood is a member of the Metropolitan Area Communications Commission (hereafter Commission), which consists of representatives from certain cities and Washington County which have entered into an intergovernmental agreement entitled, "Intergovernmental Cooperation Agreement - Metropolitan Area Communications Commission" (hereafter Intergovernmental Agreement); and pursuant thereto developed a request for proposal which solicited proposals from companies interested in providing a cable communications system within the boundaries of the member jurisdictions, evaluated proposals, and selected Storer Metro Communications, Inc. (hereafter Company) as the company with which to negotiate; and negotiated, drafted and by Commission Resolution No. 81-5 approved an agreement entitled "Cable Communications System Franchise Agreement Between the Jurisdictions Participating in the Metropolitan Area Communications Commission and Storer Metro Communications, Inc." (hereafter Franchise Agreement), which has been forwarded to the city for consideration of adoption as the non-exclusive franchise agreement for the City of Sherwood; and

WHEREAS, Section 4.D. of the Intergovernmental Agreement as amended by Commission Resolution No. 81-3 provides, among other things, that if a member jurisdiction decides to adopt and enter into the Franchise Agreement with the Company in a timely and appropriate manner, that member jurisdiction thereby agrees to remain in the Commission and be bound by its decisions, subject to the terms and conditions of the Intergovernmental Agreement; and

WHEREAS, in accordance with Section 4.E. of Sherwood Ordinance No. 747, passed September 23, 1981, the Council has set a public hearing, following appropriately published public notice and notification by mail to all applicants, and has held the public hearing on the 9th day of December, 1981, and considered the comments, statements and other remarks of the public; and

WHEREAS, the Council has deemed it to be in the furtherance of the public interest and welfare of the citizens of the City of Sherwood to adopt the Franchise Agreement as that of the city and to remain in the Commission, and to notify the Commission in a timely manner;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The City Council hereby adopts the Franchise Agreement developed, approved and forwarded by the Commission to the city, as the non-exclusive Franchise Agreement of the City of Sherwood. A copy of the Franchise Agreement is attached hereto, marked "Exhibit A", and by this reference incorporated herein. The list of organizations to be included in the institutional network for the City of Sherwood is attached hereto as Exhibit "B" and shall be a part of the franchise agreement insofar as it affects the provision of cable services in the City of Sherwood.


Section 2. By the adoption of the Franchise Agreement as set forth in Section 1 of this resolution, the City of Sherwood does hereby grant to Storer Metro Communications, Inc. a non-exclusive, revocable franchise for a fifteen year period from and after the effective date of the Franchise Agreement to construct, operate, and maintain a cable communications system, in a manner as defined, required and provided by the Franchise Agreement, within the corporate boundaries of the City of Sherwood as they are now or hereafter are established.

Section 3. In accordance with Section 4.D. of the Intergovernmental Agreement as amended by Commission Resolution No. 81-3, the City of Sherwood, by adopting the Franchise Agreement, hereby elects to remain a member of the Commission, subject to Section 8.B of the Intergovernmental Agreement as amended by Commission Resolution No. 81-2 relating to withdrawal and termination, and to be bound by the decisions of the Commission, subject to the terms and conditions of the Intergovernmental Agreement.

Section 4. The mayor is authorized to and shall execute and enter into the Franchise Agreement on behalf of the City Council, and the city recorder shall attest the mayor's signature. Following execution the city recorder shall deliver to the Commission chairman in a timely manner a true copy of this resolution and three duplicate originals of the Franchise Agreement, properly executed by the mayor and attested by the city recorder. For purposes of this section, delivery in a timely manner shall be actual receipt of the above-mentioned documents by the Commission chairman no later than 1:00 p.m., Wednesday, January 6, 1982.

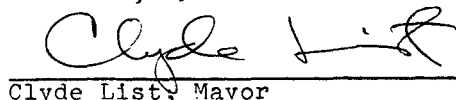
ADOPTED:

By the City Council by unanimous vote this 23 day of December, 1981.


Polly Blankenbaker, City Recorder

APPROVED:

By the Mayor, this 24th day of December, 1981.


Clyde List, Mayor

CITY OF SHERWOOD

Organizations to be included in the Institutional Network:

Sherwood School District (88J)

Administrative Offices
Clyde Hopkins Elementary School
Sherwood Intermediate School
Sherwood High School
Maintenance Office
Transportation Office

Sherwood City Hall

Sherwood Library

Sherwood Police Department

Sherwood Senior Center

Tualatin Rural Fire Protection District (Station 223)

United States Post Office (97140)