

RESOLUTION NO. 89-439

A RESOLUTION PROVIDING THE CITY OF Sherwood
AUTHORIZATION FOR THE AMENDMENT OF BOTH THE
INTERGOVERNMENTAL AGREEMENT ENTITLED, "INTERGOVERNMENTAL
COOPERATION AGREEMENT - METROPOLITAN AREA COMMUNICATIONS
COMMISSION" AND THE ADOPTED CABLE COMMUNICATIONS SYSTEM
FRANCHISE AGREEMENT TO PERMIT AND AUTHORIZE THE CITY OF
GASTON, OREGON TO BECOME A MEMBER OF THE METROPOLITAN
AREA COMMUNICATIONS COMMISSION AND A PARTY TO THE
FRANCHISE AGREEMENT, AS ADDENDED FOR GASTON.

WHEREAS, subsequent to the adoption of the Cable Communications System Franchise Agreement (hereafter Franchise Agreement) between the jurisdictions participating in the Metropolitan Area Communications Commission (hereafter Commission) and Columbia Cable of Oregon (hereafter Grantee), and subsequent to acceptance of the Franchise Agreement by Grantee, the City of Gaston, Oregon, requested that it be permitted to become a member of the Commission by amendment of the Intergovernmental Cooperation Agreement - Metropolitan Area Communications Commission (hereafter Intergovernmental Agreement) and further, by amendment of the adopted Franchise Agreement, that it become a part to the Franchise Agreement with Grantee; and

WHEREAS, Section 9.C. of the Intergovernmental Agreement provides that the Commission may allow other units of local government to enter into the Intergovernmental Agreement, subject to the possible imposition of an entrance fee or cost; and

WHEREAS, it would constitute an amendment of the Intergovernmental Agreement to add the City of Gaston as a member of the Commission and Section 9.E. of the Intergovernmental Agreement requires written authorization by the governing bodies of all members of the Commission for any amendment to the Intergovernmental Agreement subsequent to Commission approval of the Request for Proposal; and

WHEREAS, it would constitute an amendment of the Franchise Agreement adopted by the jurisdictions comprising the Commission to allow the City of Gaston to enter into and become a party to the Franchise Agreement with Grantee, and such amendment requires the written concurrence of the governing body of each member jurisdiction of the Commission; and

WHEREAS, as a condition of approval by Grantee, the Franchise Agreement between the City of Gaston and Grantee shall contain an addendum which establishes a construction completion date in the City of thirty (30) days of grant of Franchise; and

WHEREAS, the Gaston City Council, by resolution will, subsequent to final Commission approval of their Request for Membership, authorize Gaston's entering into the Intergovernmental Agreement, ratify and approve Commission Resolutions No. 81-1

through 81-6; 82-2 through 82-8; 83-1 through 83-9; 84-1 through 84-9; 85-1 through 85-6; 86-1 through 86-9; 87-1 through 87-10; 88-1 through 88-11; and, 89-1 through 89-5, which amended the original Intergovernmental Agreement, and Resolution 82-1, which approved the construction schedule submitted by Grantee and established February 10, 1982 as the effective date of the Franchise and will appoint a Commissioner and an Alternate Commissioner to represent the City; and

WHEREAS, Grantee has agreed in writing to the addition of the City of Gaston to the Commission and as a party to the Franchise Agreement, providing there is an addendum made to the Franchise Agreement between Gaston and Grantee, which establishes a date for completion of system construction in the City of thirty (30) days of grant of Franchise; and

WHEREAS, copies of said Agreement by Grantee and the addendum are attached hereto, marked "Exhibit A", and "Exhibit B", respectively, and by reference incorporated into this resolution as though fully set forth herein; and

WHEREAS, the Commission has considered the request and tentatively concurred on June 21, 1989, to amend both the Intergovernmental Agreement and the adopted Franchise Agreement, providing the governing bodies of all members of the Commission authorize and concur with such amendments; and

WHEREAS, the City Council having considered the matter and having deemed it to be in the best interest and general welfare to the citizens of the City of Sherwood to authorize the amendments to the Intergovernmental Agreement and the Franchise Agreement by allowing the City of Gaston, Oregon to join the Commission as a full member and become a party to the Franchise Agreement;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF Sherwood AS FOLLOWS:

Section 1: The Commission is hereby authorized by the City of Sherwood to amend the Intergovernmental Agreement and Franchise Agreement as necessary and as requested by Grantee regarding the construction schedule to allow the City of Gaston, Oregon to enter into the Intergovernmental Agreement and become a full member of the Commission and become a party to the Franchise Agreement, with all the attendant rights, duties and obligations arising from both agreements, such authorization and concurrence being given in accordance with and as required by section 9.E. of the Intergovernmental Agreement and Section 1.5 of the adopted Franchise Agreement.

Section 2: The City Council, by this Resolution, understands and agrees that should any subsequent events arise which the Commission deems to be sufficient to preclude such amendments to the Intergovernmental Agreement and Franchise

Agreement, the Commission may decide not to amend the Agreements in such a manner.

Section 3: The City Recorder shall deliver forthwith a true copy of this Resolution to the Administrator of the Commission.

Adopted by the City Council of the City of Sherwood, Oregon this 9th day of August, 1989.

Ayes: 5

Nays: 0

ATTEST:

Polly Blankenbaker

APPROVED:

Norma Jean Ayler