

ORDINANCE NO. 2005-007

**AN ORDINANCE AMENDING THE CITY OF SHERWOOD MUNICIPAL CODE BY
ADDING A NEW CHAPTER 4.04, "CITY TELECOMMUNICATIONS UTILITY"**

WHEREAS, significant and evolving telecommunications technological developments have caused the City Council to recognize the need for the City to provide telecommunications services; and

WHEREAS, the City Council finds that it is in the public interest to create a City utility to provide telecommunications services; and

WHEREAS, the City Council adopts the following goals for the City telecommunications utility:

- A. Provide advanced and competitive telecommunications services on the widest possible basis to City businesses, institutions and residents; and
- B. Provide a resource for economic development for the City.

WHEREAS, the City Council by Resolution 2004-039 created the Telecommunications Fund beginning July 1, 2004;

WHEREAS, the City Council by Resolution 2004-082 created the Sherwood Telecommunications Advisory Board and Resolution 2004-100 provides that the Board will have seven members.

NOW THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. The Sherwood Municipal Code is amended by adding the following provisions as new Chapter 4.04, "City Telecommunications Utility":

4.04.010 Definitions

4.04.020 Utility creation

The City of Sherwood telecommunications utility is created. It will be know as the Sherwood Broadband. The city council will serve as the Broadband governing body and by resolution may adopt rules for its operations.

4.04.030 Operations

- A. Broadband will operate as a department of the city under the administrative authority of the city manager. Broadband revenues and expenditures will be accounted for within the Telecommunications Fund of the city budget.
- B. Rates for basic residential and business data and content services will be set by council resolution. Rates for specialized services, deposits, late fees and penalties may be

set by the city manager. Rates for out-of-city customers may include a return on capital investment for the city.

C. Broadband will comply with city regulations on similar franchised utilities, including the payment of a fee in lieu of franchise fees of up to 5% as set by council resolution.

D. Broadband may provide services to customers outside of city boundaries.

E. Broadband may provide services directly to customers or indirectly provide services through contracts.

4.04.040 Advisory board

A Broadband advisory board (board) is created to make recommendations to the city council and the city manager on Broadband policies, planning and services, and to perform other duties assigned by the city council.

4.04.050 Membership

A. The board consists of seven voting members appointed by the mayor with the consent of the city council. Board members serve at the pleasure of the city council and may be removed in its sole discretion.

B. At least three board members will be residents of the city. At least three other board members will be owners or employees of businesses or institutions located within the city.

C. Board members serve without compensation except for reimbursement for authorized expenses.

D. With city council consent, the mayor will appoint a council representative to the board. The council representative will be a non-voting member.

4.04.060 Terms of office

A. Board members will serve two year terms, and members may be re-appointed to serve two consecutive terms.

B. The council representative will be appointed for a board term equal to the length of the representative's term on the city council.

C. Upon resignation, disqualification, or removal of any board member by the city council, a successor will be appointed by the mayor with the consent of the city council to fill the remainder of the unexpired term. Board members who miss three consecutive regular meetings will be disqualified and removed from office.

4.04.070 Board Organization

A. The board will elect a chair, vice-chair and secretary from among its members at the board's first regular meeting of each fiscal year.

B. Four members of the board constitute a quorum for the conduct of business.

C. The board will act by a majority vote of the members present at a meeting.

D. The board will hold at least six meetings each fiscal year and may hold other meetings as necessary to perform its duties.

E. Before any meeting of the board, public notice must be given as required by law. Minutes must be taken for each meeting and filed with the city recorder.

F. The board may adopt bylaws to regulate the conduct at its meetings. In the absence of bylaws, board meetings will be conducted in accordance with the current edition of Robert's Rules of Order.

4.04.080 Staff assistance

City staff may be assigned from time to time by the city manager to advise and assist the board. However, the board may not direct the assignment or activities of city staff.

4.04.090 Board Duties

The board will:

A. Establish long-range plans, goals and objectives for Broadband and the improvement and maintenance of city telecommunications services.

B. Evaluate community needs and resources on a regular basis and incorporate relevant findings into a statement of purpose guiding the provision of city telecommunications services.

C. Regularly review and advise the city council and city manager on specific services and practices as they relate to Broadband goals and objectives.

D. Promote public participation and awareness programs designed to increase the use of Broadband.

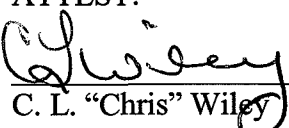
E. Undertake additional responsibilities relative to Broadband as requested by the city council or city manager.

Section 2. This ordinance takes effect on July 1, 2005.

Duly passed by the City Council this 15th day of March, 2005.



Keith S. Mays, Mayor

ATTEST:


C. L. "Chris" Wiley
City Recorder

	AYE	NAY
Luman	<input checked="" type="checkbox"/>	_____
King	<input checked="" type="checkbox"/>	_____
Henderson	<input checked="" type="checkbox"/>	_____
Heironimus	<input checked="" type="checkbox"/>	_____
Grant	<input checked="" type="checkbox"/>	_____
Durrell	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____