



*Home of the Tualatin River National Wildlife Refuge*

## **ORDINANCE 2018-005**

### **AMENDING TITLE 4 OF THE MUNICIPAL CODE RELATING TO THE CITY TELECOMMUNICATIONS UTILITY AND REPEALING SECTIONS 4.04.040 THROUGH 4.04.090 RELATING TO THE TELECOMMUNICATIONS ADVISORY BOARD**

**WHEREAS**, the City of Sherwood Telecommunications Advisory Board was created and adopted through Resolution 2004-082 on September 14, 2004; and

**WHEREAS**, the City Council added Title 4, "City Telecommunications Utility" to the municipal code through Ordinance 2005-007 on March 15, 2005; and

**WHEREAS**, Sections 4.04.040 through 4.04.090 of the municipal code set forth the roles and responsibilities of the Telecommunications Advisory Board which include making recommendations to City Council and the City Manager on Broadband policies, planning, and services; and

**WHEREAS**, the Telecommunications Advisory Board only met six times in 2005 and has not met since that time; and

**WHEREAS**, staff has recommended that City Council eliminate the Telecommunications Advisory Board, and that the advisory services previously provided by such board should instead be handled by city staff, the City Manager, and/or broadband consultants; and

**WHEREAS**, it appears to the City Council that the Telecommunications Advisory Board is no longer necessary for the City and Sections 4.04.040 through 4.04.090 of the municipal code are therefore no longer needed; and

**WHEREAS**, staff has further recommended minor amendments to Title 4, and particularly Sections 4.04.020 and 4.04.030, of the municipal code to bring the language in line with current terminology and practices, and to create additional flexibility for the City;

### **NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

**Section 1.** Sections 4.04.040 through 4.04.090 of the City of Sherwood Municipal Code, and Resolution 2004-082, are hereby repealed.

**Section 2.** Title 4, City Telecommunications Utility, of the City of Sherwood Municipal code is hereby amended to read as set forth in Exhibit A, attached hereto and incorporated herein.

**Section 3.** This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 19<sup>th</sup> of June, 2018.

  
Keith Mays, Mayor

June 19, 2018  
Date

Attest:

  
Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Rosener	<u>Absent</u>	_____
Griffin	<u>✓</u>	_____
Brouse	<u>✓</u>	_____
Young	<u>✓</u>	_____
Kuiper	<u>✓</u>	_____
Garland	<u>✓</u>	_____
Mays	<u>✓</u>	_____

## Title 4 - CITY TELECOMMUNICATIONS UTILITY (SHERWOOD BROADBAND)

### **Chapters:**

#### Chapter 4.04 - CITY TELECOMMUNICATIONS UTILITY (SHERWOOD BROADBAND)

### **Sections:**

#### 4.04.010 - Definitions.

(Ord. 05-007 § 1 (part))

#### 4.04.020 - Utility creation.

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

(Ord. 05-007 § 1 (part))

#### 4.04.030 - Operations.

- A. Sherwood Broadband will operate as a department of the city under the administrative authority of the city manager. Sherwood Broadband revenues and expenditures will be accounted for within the broadband fund of the city budget.
- B. Rates for basic residential and business internet 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. Sherwood Broadband will comply with city regulations on similar franchised utilities, including the payment of a fee in lieu of franchise fees as set by council resolution.
- D. Sherwood Broadband may provide services to customers outside of city boundaries.
- E. Sherwood Broadband may provide services directly to customers or indirectly provide services through contracts.

(Ord. 05-007 § 1 (part))