

ORDINANCE NO. 534

AN ORDINANCE CREATING THE STAYTON CABLE COMMUNICATIONS COMMISSION.

WHEREAS, the City of Stayton will grant a non-exclusive franchise for the operation of a cable communications system within the City of Stayton, and;

WHEREAS, the administration and enforcement of the franchise would most appropriately be handled by a single purpose commission endowed with some expertise in the supervision of a cablevision franchise.

NOW THEREFORE,

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Commission Established. There is hereby established a commission to be know as the Stayton Cable Communications Commission, (hereafter Commission), to oversee, administer and enforce the terms and provisions of this Ordinance, the Ordinance granting the cablevision franchise, and the franchise agreement itself.

Section 2. Commission Composition. The City Council of the City of Stayton as now and hereafter constituted shall embody the Commission until January 1, 1982, at which time the Mayor shall appoint five persons to serve on the Commission. Commission members shall hold office on staggered terms, with two being appointed for one year, two for two years, and one for three years. Any vacancy shall be by appointment to a term equal to the unexpired portion of the term of the vacating member. All appointments following the expiration of the initial terms of office shall be for a period of three years.

Section 3. Commission Powers and Functions. The Commission shall have all the powers conferred upon it by the Ordinance granting the cablevision franchise, and shall include, but not be limited to:

- (1) Advising the Council on matters which might constitute grounds for revocation or termination of a franchise pursuant to its terms.
- (2) Resolving disagreements among the franchisee and public and private users of the cablevision communications system.
- (3) Reviewing franchisee performance.
- (4) Auditing all reports required of the franchisee and submitting an annual report to the City Council.
- (5) Conducting evaluations of the cable vision communication system

at least every three (3) years and make recommendations to the Council for amendments to the franchise agreement.

- (6) Acting as the hearing board for all requests for rate settings or adjustments.
- (7) Determining the City's policies relating to service provided subscribers and the operation and use of access channels, with a view to maximizing the diversity of programs and services to subscribers. The use of access shall be allocated on a first come, first served basis, subject to limitations on monopolization of system time, or prime times.
- (8) Acting on behalf of and as the designee of the City Council in intergovernmental matters relating to cable communications systems, cooperate with other cable communications systems, and supervise interconnection of cable communications systems.
- (9) Employing, with the approval of the Council, the services of a technical consultant, to assist in the analysis of any matter relative to the franchise.
- (10) Exercise any other power or perform any other function authorized by the City Council.
- (11) The Commission is to be a recommending body only and nothing in this Ordinance, the ordinance granting the franchise, or the franchise agreement shall be construed to give the Commission an exclusive power. Any action taken by the Commission may, at the Council's discretion or as otherwise provided, be reviewed, modified or reversed.

Section 4. Severability. The provisions of this Ordinance are severable. If any portion, section or part of this Ordinance is for any reason held to be invalid, superceded or otherwise determined to be of no force and effect, such decision shall not affect the validity or enforceability of the remainder of this Ordinance.

PASSED BY THE COMMON COUNCIL ON 21ST DAY OF APRIL, 1980.

Signed by the Mayor on 24th day of April, 1980.

Henry A. Porter
Mayor

ATTEST:

Ellis Wandschey
City Administrator