

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 18-09

IN THE MATTER OF AMENDING CHAPTER  
8 OF LANE CODE TO EXTEND THE TERM  
AND FRANCHISE AGREEMENT WITH  
COMCAST OF OREGON II, FOR  
OPERATION OF A CABLE  
COMMUNICATIONS SYSTEM TO  
JUNE 30, 2020; AMENDING ORDINANCE  
12-07

**WHEREAS**, Lane County and the cities of Eugene and Springfield, the local franchising authorities, have entered into a franchise with Comcast of Oregon II, Inc., (hereinafter "Comcast") for the operation of a cable communication system and have designated the Metropolitan Policy Commission (MPC) as the representative of the local franchising authorities in administration of the franchise; and

**WHEREAS**, Lane County enacted Ordinance 12-07 on October 3, 2007, granting such franchise; and

**WHEREAS**, the federal Cable Act requires a franchise for operation of cable telecommunications systems and provides for a formal or informal renewal process under the Cable Act;

**WHEREAS**, on September 25, 2018, the Board of Commissioners held the First Reading on the amendment of Ordinance 12-07 with a proposed extension through January 1, 2019, however, since that date, it has been determined that negotiations with Comcast will not be completed by that date and current Federal Cable Commission rulemaking may result in changes needed to the franchise that will take more time to resolve; and

**WHEREAS**, the current franchise agreement with all three local franchising authorities provides that the current franchise term expired on August 1, 2018, subject to certain renewal rights and rights to an additional term possessed by the Grantee and Lane County and the cities of Eugene and Springfield and Comcast are currently engaged in good faith negotiations under the Cable Act's informal process to renew Comcast's cable franchise and have determined that it serves the public welfare to extend the term of the franchise to June, 30, 2020; and

**NOW, THEREFORE**, the Board of County Commissioners of Lane County **ORDAINS** as follows:

1. Section 16(1) of Ordinance 12-07 is hereby deleted in its entirety, and replaced with the following:

Duration and Renewal. This franchise and rights privileges granted herein shall remain in effect until June 30, 2020, unless terminated sooner under provisions of Subsection (4) of this section. Renewal of the Grantee's franchise at the end of such term shall be governed by and comply with the provisions of applicable law then in effect.

**IT IS FURTHER ORDAINED THAT:**

Chapter 8 of Lane Code is hereby amended by deleting and substituting and adding new section(s) as follows:

**DELETING THESE SECTION(S)**

**INSERT THESE SECTION(S)**

8.005

8.005

These sections are attached hereto and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitute a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions thereof.

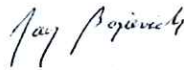
Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

The office of Lane County Legal Counsel is authorized to codify this Ordinance and to make any technical changes, not affecting its substance, as are reasonably necessary to accomplish codification.


**ENACTED** this 6th day of November, 2018.

APPROVED AS TO FORM  
Date 11/25/18

LANE COUNTY OFFICE OF LEGAL COUNSEL



\_\_\_\_\_  
Jay Bozievich, Chair  
Lane County Board of Commissioners



\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

**Chapter 8****CABLE FRANCHISE****8.005 Metropolitan Area Cable Television Franchise.**

(Due to its length, copies of the 10-year Franchise Renewal Ordinance are on file with the Metropolitan Policy Committee, Lane County Board of County Commissioners, Lane County Administrator and Lane County Counsel). *(Revised by Ordinance No. 23-78, Effective 11.3.78; 5-81, 4.8.81; 4-82, 3.10.82; 6-85, 9.17.85; 15-90, 12.7.90; 6-91, 6.6.91; 12-07, 11.30.07)* [Scrivener note: The Ordinance is also available on the Internet at: *(link will be added once Ordinance 18-09 has passed.)*]

**8.010 Falcon Cable Systems Television Franchise.**

(Due to its length, copies of the Franchise Ordinance are on file with the Lane County Board of County Commissioners, Lane County Administrator and Lane County Counsel.) *(Revised by Ordinance No. 6-92, Effective 7.24.92; 14-07, 1/6/15)* [Scrivener note: The Ordinance is also available on the Internet at: <http://www.lanecounty.org/Departments/BCC/Documents/ORDINANCES/2015/14-07.pdf>]

**COUNTY CABLE COMMUNICATIONS****8.500 Title.**

This sub-chapter shall be referred to as County Cable Communications. *(Revised by Ordinance No. 15-90, Effective 12.7.90)*

**8.505 Purpose and Intent.**

The Lane County Board of County Commissioners has determined that it is in the public interest and necessary for the promotion of the safety, convenience, comfort, prosperity and general welfare of the citizens of the County to identify the conditions upon which the County will grant a franchise or franchises to construct and operate a cable communications system. *(Revised by Ordinance No. 15-90, Effective 12.7.90)*

**8.510 Definitions.**

For the purpose of this sub-chapter, unless the context requires otherwise, the following words and phrases shall mean:

**Cable Communications System or System.** A system of antennas, cables, amplifiers, towers, microwave links, cable-casting studios, and any other conductor, converters, equipment or facilities designed and constructed for the purpose of producing, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electrical signals.

**Franchise.** The privilege conferred upon a person, firm or organization by the County to operate a cable communications system under the terms and provisions of this sub-chapter.

**Franchisee.** The person, firm or organization to which a franchise is granted to operate a cable communications system pursuant to the authority of this sub-chapter. *(Revised by Ordinance No. 15-90, Effective 12.7.90)*

**8.515 Authority.**

To the extent allowed by law, the Board of County Commissioners of Lane County recognizes, declares and establishes the authority to regulate the development and operation of a cable communications system (hereinafter system) for the unincorporated area of the County excluding areas covered by the Metropolitan Area cable franchise provided in LC 8.005 above, and to exercise all powers necessary for that purpose, including, but not limited to, the following:

At left margin indicates changes

**Bold** indicates material being added

~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE  
FORMAT**

8.005

Lane Code

8.515

**Chapter 8**

**CABLE FRANCHISE**

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