

ORDINANCE NUMBER 1543

AN ORDINANCE OF THE CITY OF MILWAUKIE ESTABLISHING A CABLE COMMUNICATIONS COMMISSION AND REPEALING ORDINANCE NO. 1500.

WHEREAS, the city has granted a non-exclusive franchise for a cable communications system, and

WHEREAS, the Council desires to appoint a commission to exercise the continuing regulatory powers of the city over the cable communications franchises.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Commission created. The Milwaukie Cable Communications Commission is created, consisting of not more than seven members appointed by the City Council. Appointments shall be for a term of three years except that the initial appointments shall be staggered so they do not expire the same year. All terms shall expire the last day of February in the expiration year. At least five members shall be city residents and no member shall have ownership interest in any cable television system. Members may be removed by the Council for cause.

Section 2. Meetings. The Commission shall meet at least once a month and shall adopt rules for the election of officers and the conduct of its meetings. A majority of the members shall constitute a quorum and the affirmative vote of a majority of the members present shall be necessary to decide any matter. All meetings shall be held in accordance with ORS 192.610 to 192.690 (Open Meeting Law).

Section 3. Duties. The Commission shall exercise the cable communications regulatory powers of the city as set forth in any franchises and any applicable city ordinances. These powers include, but are not limited to, authority to:

- a. Receive and investigate subscriber complaints.
- b. Develop, coordinate and administer use of governmental, public and other access channels.
- c. Recommend rate changes to City Council.
- d. Monitor system operation, including construction timetables and standards, to insure compliance with franchise and other applicable ordinances and local, state and federal regulations.
- e. Perform necessary tests, inspections and demonstrations as required by franchises.
- f. Prescribe and review reports furnished by franchisees.
- g. Advise City Council concerning cable communications matters.

- h. Recommend to City Council regarding imposition of fines or other penalties for franchise or ordinance violations.
- i. Recommend to City Council regarding the award of a new franchise or the transfer, renewal, revocation or purchase of any existing franchise.
- j. Promote and guide the future development of the city cable communications system to insure that the system keeps pace with technological innovations and the interest of the public.
- k. Recommend professional consultants or other employees to assist the Commission in the performance of its duties.
- l. Cooperate with other governmental agencies to share cable communications information and resolve common regional problems.
- m. Adopt rules to carry out the Commission's duties under this ordinance and the franchises.
- n. Perform such other duties as may be assigned by the City Council.

Section 4. Budget. The city shall budget a sufficient amount from franchise fees collected to defray the cost of the regulatory functions of the Commission and for the support and development of community access programming.

Section 5. Appeal. Any franchisee may appeal any action of the Commission to the City Council by filing a written notice of appeal with the City Recorder not more than 20 days after the date of final action by the Commission. The notice shall state the action taken by the Commission, the reasons why the action was improper and the relief requested. The Council shall consider the appeal at a regular meeting and may affirm, modify or reverse the action of the Commission. Upon petition of any city resident, the Council may also review any action of the Commission on its own motion.

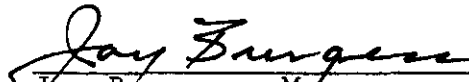
Section 6. Annual report. The Commission shall prepare an annual report at the end of the fiscal year, covering the activities of the Commission during the past year, planning activities for the next year, use of budgeted funds, general performance of franchisees, use and development of the cable communications system and such other matters as the Commission or the Council deems appropriate.

Section 7. Repeal. Ordinance No. 1500 is repealed.

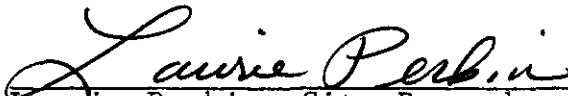
Read the first time on June 21, 1983, and  
moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on  
June 21, 1983.

Signed by the Mayor on June 21, 1983.

  
Joy Burgess, Mayor

ATTEST:

  
Laurie Perkin, City Recorder

Approved as to form:

  
Greg Eades, City Attorney