



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: April 18, 2018

Department: Public Works

Agenda Planning Date: April 25, 2018

Time required: 5 min.

☐ Audio/Visual aids

Contact: Alan Haley

Phone: (503) 588-7943

Department Head Signature:

TITLE

Consider Approval of Comcast Cable Franchise Extension

Issue, Description & Background

Marion County and the City of Salem entered into cable television franchise agreements with Far-West Communications, Inc., dba Viacom Cable in 1994, renewing franchises granted by the jurisdictions in 1987; each jurisdiction consented to the transfer of its franchise to TCI Communications, Inc. in 1995, to the transfer from TCI to AT&T in 1998, and from AT&T to Comcast in 2002. The cable television franchise agreements provided for an initial term of five years, subject to renewal for two additional five year terms. The county's franchise agreement covers the unincorporated area inside the Salem/Keizer Urban Growth Boundary.

The Mid-Willamette Cable Regulatory Commission (CRC) was created by Intergovernmental Agreement (IGA) in 1988 to research cable television franchise issues on behalf of the City of Salem and Marion County. The commission acts in an advisory capacity to the jurisdictions regarding the renewal of any cable franchise agreement with any cable franchisee of the jurisdictions.

On December 17, 2004, the CRC reviewed Comcast's performance and held a public hearing to consider recommending renewal of the franchise, which was set to expire on January 27, 2005. The third five-year term of the franchise was recommended for approval by the CRC and board of commissioners approved the renewal with an expiration date of January 24, 2010. For several years after this Comcast staff was exclusively engaged in negotiating new franchises in the Portland-metro area, and the City of Salem and Marion County franchise negotiations were put on hold until they were resolved. During this time at the CRC's recommendation the board approved seven franchise extensions to June 17, 2010; December 8, 2010; May 11, 2011; January 11, 2013; January 14, 2014; December 31, 2014; December 31, 2015; December 31, 2016; March 31, 2017; June 30, 2017; October 31, 2017; and, April 30, 2018.

County and city staff have held a number of productive meetings with Comcast representatives in the past few months and are very close to completing negotiations for a new cable franchise. Due to the progress made at these meetings, the CRC is recommending the franchise be extended until June 30, 2018, which will allow staff time to administratively process the agreement and submit for approval before the Marion County Board of Commissioners and Salem City Council.

Financial Impacts:

Marion County receives franchise fees in an amount equal to 5% of the cable services billed within the franchise area minus 40% that goes to the CRC. The net amount to the county in FY 2015-16 was \$229,139.58. Comcast will continue to pay the current franchise fees during the extension.

Impacts to Department & External Agencies

None.



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Options for
Consideration:

1. Approve the order extending the existing cable franchise to June 30, 2018.
2. Do not approve extension.

Recommendation:

The CRC and county staff recommend the board of commissioners approve the order extending the existing cable franchise to June 30, 2018.

List of attachments:

Order, CRC Resolution

Presenter:

Alan Haley

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

Jolene Bray - jbray@co.marion.or.us

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the matter of approving an)
extension of the cable television)
franchise with Comcast of)
Oregon I, Inc.)

Order No. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on April 25, 2018, to consider approving an extension of the cable television franchise with Comcast of Oregon I, Inc.

WHEREAS, Comcast of Oregon I, Inc. ("Comcast") currently holds a cable franchise with Marion County, which is due to expire on April 30, 2018; and,

WHEREAS, the amount of time required to conclude negotiations and allow for public review of a new franchise agreement will extend beyond the current expiration date; and,

WHEREAS, it is in the public interest to extend the current franchise for an additional period of time to accommodate the renewal process.

NOW, THEREFORE, the franchise granted to Comcast of Oregon I, Inc. shall be extended until and including, June 30, 2018, and that all rights and obligations provided the parties under the franchise agreement shall remain in full force and effect during that period, including the rights of the parties under the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996. Neither Comcast nor the County shall assert any claim, denial or defense based upon the original expiration date of the Franchise Agreement.

Signed in Salem, Oregon, this _____ day of April 2018.

MARION COUNTY
BOARD OF COMMISSIONERS:

Chair

Commissioner

Commissioner

Commissioner