		COUNTY BOARD			
Courag	воаrd	a Session	Agenda	Review	Form

Meeting date:	March 29	9, 2017					
Department:	Public W	′orks	Agenda Planning D	ate: N	Narch 23, 2017	Time required:	5 min.
Audio/Visu	ual aids						
Contact:	Alan Ha	ley	Ph	none:	(503) 588-7943	3	
Department He	ead Sign	ature:					
TITLE Consider Approval of Comcast Cable Franchise Extension							
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; and, March 31, 2017.

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 for 90 days until June 30, 2017, which will allow staff time to resolve the few remaining issues and submit for approval before the board of commissioners and city council.

Financial Impacts:

OREGON

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.

None.

Marion	ARION COUNTY BOARD OF COMMISSIONERS Oard Session Agenda Review Form
Options for Consideration:	 Approve the order extending the existing cable franchise to June 30, 2017. 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, 2017.
List of attachments:	Order, CRC Resolution
Presenter:	Alan Haley
Copies of completed	d paperwork sent to the following: (Include names and e-mail addresses.)

Copies to:

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

Marion County OREGON	act Review Sh	leet		
FINANCE DEPARTMENT	Сог	ntract #: <u>102071</u>		
Person Sending: Jolene Bray	Department:	Public Works		
Contact Phone #: 503-365-3177	Date Sent:	Tuesday, March 14, 2017		
\Box Contract \checkmark Amendment [#] \Box Lease	□ IGA □ MOU	Grant (attach approved grant award transmittal form)		
Title: Agreement Extending Cable Television Fr	ranchise			
Contractor's Name: Comcast of Oregon I, Inc.				
Term - Date From: Execution Expires: Jun 30, 2017				
Contract Total: §0.00 Amendment	Amount: \$0.00	New Contract Total: \$0.00		
Source Selection Method: Sole Source (attac	h approval)	#		
Additional Considerations (check all that	apply)			
Board Order#	Fea	asibility Determination (attach approved form)		
□Incoming Funds	Fee	deral Funds (attach sub-recipient / contractor analysis)		
Independent Contractor (LECS)approval date:	Re	Reinstatement (attach written justification)		
Insurance Waiver (attach)	Re	Retroactive (attach written justification)		

Description of Services or Grant Award:

Franchise agreement with Comcast of Oregon I, Inc. to provide cable television services in Marion County. The cable television franchise agreement provided for an initial term of five years, subject to renewal for two additional five year terms, and the county has begun informal franchise renewal negotiations. Since these negotiations are ongoing, the Mid-Willamette Cable Regulatory Commission is recommending that the county extend the existing franchise until a new franchise agreement is executed, or until June 30, 2017, whichever comes first.

FOR FINANCE USE			
Date Finance Received:	BOC Planning Date:	Date Legal Received:	
Comments:			

REQUIRED APPROVALS:

Finance - Contracts	Date	Risk Manager	Date
Legal Counsel	Date	Chief Administrative Officer	Date
Date	☐ To be filed	Added to master list	
Returned to	Departn	nent for	signatures

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.

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This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on March 29, 2017, 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 March 31, 2017; 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, 2017, 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 March 2017.

MARION COUNTY BOARD OF COMMISSIONERS:

Chair

Commissioner

Commissioner

BEFORE THE MID WILLAMETTE VALLEY CABLE REGULATORY COMMISSION FOR MARION COUNTY, OREGON

In the matter of recommending an extension of the cable television franchise with Comcast of Oregon I, LLC.

Resolution No. 17-01

This matter came before the Mid Willamette Valley Cable Regulatory Commission at its regularly scheduled public meeting on March 9, 2017, to consider approving an extension of the cable television franchise with Comcast of Oregon I, LLC.

WHEREAS, Comcast of Oregon I, LLC ("Comcast") currently holds a cable franchise with the City of Salem and Marion County, which is due to expire on March 31, 2017; 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 so that cable service to the public will not be interrupted.

NOW, THEREFORE, the Mid Willamette Valley Cable Regulatory Commission recommends that the City of Salem and Marion County extend the franchise granted to Comcast of Oregon I, LLC for 90 days until June 30, 2017, with the terms of the franchise agreements remaining in full force and effect during that period.

Signed in Salem, Oregon, this _____ date of _____ 2017.

MID WILLAMETTE VALLEY CABLE REGULATORY COMMISSION

Chair

Commissioner

Commissioner