CITY OF TIGARD, OREGON

RESOLUTION NO. 05-38

A RESOLUTION OF THE CITY OF TIGARD APPROVING A MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT FOR THE METROPOLITAN AREA COMMUNICATIONS COMMISSION

WHEREAS, the Metropolitan Area Communications Commission, hereinafter "MACC or Commission," is an intergovernmental commission formed in April, 1980, under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as current members; and

WHEREAS, the City of Tigard is a member of MACC; and

WHEREAS, the Commission has operated under the original intergovernmental cooperation agreement (IGA or Agreement), with several amendments, since that time; and

WHEREAS, in 2002, the Commission adopted a new IGA, including Exhibit A containing the allocation of franchise fees payable to the member jurisdictions for MACC administration and for public, educational, and government access services (PEG Access), and the new IGA was subsequently approved by all MACC member jurisdictions as required by Section 4.D of the Agreement; and

WHEREAS, in June 2004, the Commission charged the MACC Budget Committee with a review of PEG Access funding and services to be provided under the Comcast Cable Franchises granted by MACC; and

WHEREAS, at its May 5, 2005, meeting, the Commission considered the Budget Committee's recommendation to modify the funding for PEG Access, and adopted Resolution 2005-04 approving an Amendment to Exhibit A of the current IGA; and

WHEREAS, the Commission further recommended that each of the MACC member jurisdictions approve the IGA amendment concerning PEG Access services and funding by duly authorized enactment of each jurisdiction's governing body, as required by Section 4.D of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1. Exhibit A of the MACC IGA, Section 2, is amended by deleting the former allocation of franchise fee revenues for PEG Access, and replacing it with the following text:

"In fiscal year 2005-2006, the MACC jurisdictions will contribute a combined total of $500,000 of their cable franchise fees to support PEG Access. Each jurisdiction will pay its proportionate share of this total amount. Beginning in fiscal year 2006-2007, and each subsequent year thereafter through February 1, 2014, this $500,000 jurisdictional PEG Access funding amount will be adjusted by the cost-of-living index amount (based on the CPIU – Portland) in July of each fiscal year.

Notwithstanding this allocation commitment, the appropriation of funds is subject to the annual process required of each jurisdiction pursuant to local budget law.

If a jurisdiction does not allocate its proportionate share, the Commission may place restrictions on the PEG Access services provided to the jurisdiction and/or its citizens."

The full text of Exhibit A, as modified by this Resolution, is attached.

SECTION 2. This resolution is effective immediately upon passage.

PASSED: This 14th day of June 2005.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

ATTACHMENT TO RESOLUTION

REVISED Exhibit A – Comcast Franchise Fee Allocation

This Exhibit affects the Franchise Fee revenues from the Franchise with Comcast, or its successors.

These franchise fees are attributable to member jurisdictions. Member jurisdictions hereby make and continue allocations of these, or other, revenues for the operation of MACC for franchise administration and regulation, and for PEG Access. These allocations, specified below, cannot be increased without the unanimous consent of all member jurisdictions.

1. Allocation of Franchise Fee Revenues for MACC Administration

   a. Member jurisdictions will contribute a maximum allocation of twenty percent (20%) of franchise fee revenues collected for support of MACC administration. The Commission may decide to receive less than this allocation for these purposes.

   b. The Commission is authorized, as it deems appropriate, to enter into professional services contracts to review the Grantee's financial reports, on an annual basis or otherwise. In the event that such a review results in increased franchise payments from the Grantee, the first deduction from such payments shall be for the reimbursement of the Commission's expenses incurred under the contract for the review. The remainder of such increase shall be distributed in accordance with the most recent quarterly distribution.

2. Allocation of Franchise Fee Revenues for PEG Access

   "In fiscal year 2005-2006, the MACC jurisdictions will contribute a combined total of $500,000 of their cable franchise fees to support PEG Access. Each jurisdiction will pay its proportionate share of this total amount. Beginning in fiscal year 2006-2007, and each subsequent year thereafter through February 1, 2014, this $500,000 jurisdictional PEG Access funding amount will be adjusted by the cost-of-living index amount (based on the CPIU – Portland) in July of each fiscal year.

   Notwithstanding this allocation commitment, the appropriation of funds is subject to the annual process required of each jurisdiction pursuant to local budget law."

   If a jurisdiction does not allocate its proportionate share, the Commission may place restrictions on the PEG Access services provided to the jurisdiction and/or its citizens.