



OFFICE OF COUNTY COUNSEL

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July 7, 2022

Board of County Commissioners
Clackamas County

Members of the Board:

A Board Order Approving the Amendment of the Cable Television Franchise Agreement for use of the County Rights-of-Way By Comcast of Tualatin Valley, Inc.; Comcast of Illinois/Ohio/Oregon, LLC; and Comcast of Oregon II, Inc.

Purpose/Outcome	Approve the Amendment of the cable television franchise agreement to expand the franchise area to include all of unincorporated Clackamas County.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Effective July 7, 2022 through October 9, 2031.
Previous Board Action/Review	The current franchise agreement was approved August 12, 2021.
Strategic Plan Alignment	Building public trust through good government.
Counsel Review	This Franchise Agreement has been reviewed and approved by County Counsel on 6-27-22. JM
Procurement Review	No, because this is item is a franchise agreement.
Contact Person	Ritch Marvin, PGA, 503-742-5905 Jeffrey Munns, Assistant County Counsel, 503-742-5984
Contract No.	N/A

BACKGROUND:

The County has negotiated with Comcast of Oregon II, Inc., Comcast of Tualatin Valley, Inc.; Comcast of Illinois/Ohio/Oregon, LLC; and Comcast of Oregon II, Inc. (collectively Comcast), to increase the franchise area of this agreement to include all of unincorporated Clackamas County. This amendment will increase the options for the community to receive cable services.

The Franchise Agreement is current with the recent FCC standards. Comcast has agreed to all terms and conditions of the franchise grant with the County.

RECOMMENDATION:

Staff respectfully recommends the Board approve the Cable Television Franchise Agreement Amendment with Comcast. County Counsel has reviewed and approved the attached Board Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J. Munns', is written over the typed name.

Jeffrey D. Munns
Assistant County Counsel

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Approving an
Amendment of the Cable Television
Franchise with Comcast of Tualatin
Valley, Inc., Comcast of
Illinois/Ohio/Oregon, LLC, and
Comcast of Oregon II, Inc.



Order No. _____

This matter coming on at this time, and it appearing that Comcast of Tualatin Valley, Inc.; Comcast of Illinois/Ohio/Oregon, LLC; and Comcast of Oregon II, Inc. (collectively Comcast) has been providing cable television service utilizing the County rights-of-way pursuant to a Franchise Agreement Extension, approved by the BCC, that was approved on August 12, 2021 and;

It further appearing that the County and Comcast have negotiated an Amendment of the Franchise Agreement to expand the franchise area to include all of unincorporated Clackamas County; and

It further appearing that the approval the attached Amendment subject to the terms and conditions of the Franchise Agreement would be in the best interests of the citizens of the County;

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Franchise Agreement Amendment be approved and executed, and be subject to the terms and conditions as specified in the Agreement.

DATED this 7th day of July, 2022.

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

Chair

Recording Secretary

CABLE TELEVISION FRANCHISE AGREEMENT AMENDMENT

This Cable Television Franchise Agreement Amendment ("Amendment") is made and entered into by and between Clackamas County, with its principal offices at 2051 Kaen Road, Oregon City, Oregon 97045 ("County"), and Comcast of Illinois/Ohio/Oregon, LLC; Comcast of Oregon II, Inc., a Delaware corporation, with its principal offices at 11308 SW Parkway, Tigard, Oregon, 97223 ("Grantee").

RECITALS

1. Comcast has been granted a nonexclusive franchise ("the Franchise") by the County to construct and operate a Cable System within certain portions of the County;
2. The Franchise expires on October 9, 2031: and
3. Comcast and the County desire to make certain amendments to the Franchise as set forth below, which amendments are in the public interest.

Now Therefore:

In consideration of the mutual benefits and covenants contained herein, the parties agree that the Franchise, executed on October 12, 2021, shall be amended as follows:

1. Section 2.p of the Franchise shall be deleted in its entirety, and shall be replaced with the following:

p. Franchise Area. "Franchise Area" means the unincorporated area of Clackamas County as of the effective date of this Franchise.

2. Section 3.4 Franchise Area. Section 3.4 of the Franchise shall be deleted in its entirety, and be replaced with the following:

Section 3.4. Franchise Area. Grantee shall be authorized to construct its Cable System within the public rights of way and compatible easements throughout the entire jurisdictional boundaries of the Franchise Area.

3. Section 4.3. Availability of Residential Services. This Section 4.3 shall be amended by the addition of a new subsection 4.3.5 as follows:

Section 4.3.5. Other Providers. Grantee is authorized but shall not be required to overbuild existing video service providers pursuant to this Section 4.3. Should Grantee overbuild a Cable Operator, Grantee acknowledges that Grantor will review the franchise terms of both cable providers to determine competitive equity.

4. Exhibit A. Exhibit A shall be deleted in its entirety.

Counterparts. This Amendment may be executed in several counterparts, each of which will be deemed an original, but all of which together will constitute one and the same agreement.

Except as expressly provided in this Amendment, all other terms and conditions of the original Franchise, and any subsequent amendments, addenda, or modifications thereto, remain in full force and effect.

Neither party waives any right which it enjoys under law as a result of agreeing to this Franchise amendment.

This amendment shall be effective upon execution by the parties.

DATED this 27 day May, 2022.

DATED this ___ day _____, 2022.

**COMCAST OF TUALATIN VALLEY,
INC.; COMCAST OF
ILLINOIS/OHIO/OREGON, LLC; AND
COMCAST OF OREGON, II LLC**

**BOARD OF COUNTY COMMISSIONERS
CLACKAMAS COUNTY, OREGON**

DocuSigned by:
Steven Holmes
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Steven Holmes, VP
