

ORDINANCE NO. 406

AN ORDINANCE PROVIDING FOR AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH A REGIONAL FIBER CONSORTIUM FOR THE OWNERSHIP AND OPERATION OF A FIBER OPTIC SYSTEM; REPEALING ORDINANCE NO. 379 AND DECLARING AN EMERGENCY.

WHEREAS, ORS 190.030 provides that a unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any function that a party to the agreement has authority to perform, and

WHEREAS, the City of Drain has had discussions with several other units of local governments in the region regarding the formation of an entity by way of an intergovernmental agreement for the purpose of mutual assistance in achieving the common goal of better and more advanced telecommunications services in the area;

NOW, THEREFORE, THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1: It is the intent of the Drain City Council to create an intergovernmental entity, to be known as the Regional Fiber Consortium, by the amendment of an intergovernmental agreement entered into by the City and other units of local government pursuant to the provisions of ORS 190.003 *et seq.*

Section 2: The effective date of such intergovernmental agreement shall be the date after the adoption of this ordinance upon which the intergovernmental agreement is signed by and for the City of Drain pursuant to the authorization of this ordinance.

Section 3: The public purposes for which the Regional Fiber Consortium shall be created shall be:

- A. To assume ownership and control of fiber optic cable obtained by the Consortium, or by any member government, that the government, in its discretion, deems it is appropriate to contribute to the Consortium;
- B. To work to develop a fiber optic system, or components thereof, that best serves the public interest in an efficient manner;
- C. To provide a forum for communication and consultation among members and to provide an opportunity for a cooperative and equitable sharing of information regarding the potential for broadband development;
- D. To operate as an independent entity, taking appropriate actions to facilitate the development of improved telecommunications within the region for the benefit of residents of the region

- E. To acquire such additional tangible and intangible assets as are deemed necessary to fulfill the other purposes of the Consortium; and
- F. To combine the assets of the Regional Fiber Consortium and the Fiber South Consortium, and thereafter operate in the interests of both Consortia, using those assets to make the greatest possible advances to telecommunications services within the region comprised by the jurisdictional territories of the members of the former Fiber South Consortium and the Regional Fiber Consortium.

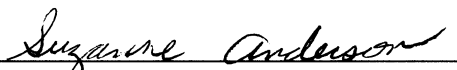
Section 4: The powers, duties and functions of the Regional Fiber Consortium shall be:

- A. Plan for fiber optic system development for the Consortium.
- B. Direct and manage the use of a fiber optic system or systems obtained by the Consortium or its members for the Consortium.
- C. Carry out further responsibilities and functions approved by the Consortium governing body to fulfill the purposes of the Consortium.


Section 5: The City Administrator is hereby authorized and directed to evidence this ratification of the creation of the Regional Fiber Consortium by executing, on behalf of the City of Drain, a copy of an INTERGOVERNMENTAL AGREEMENT TO ESTABLISH A CONSORTIUM OF LOCAL GOVERNMENTS FOR THE OWNERSHIP AND OPERATION OF A FIBER OPTIC SYSTEM, with such changes as he determines are not inconsistent with the provisions of this ordinance, such determination to be evidenced by his execution of the agreement.

Section 6: Declaration of Emergency - Because prompt action is necessary to participate in the consolidation of the consortiums, it affects the peace, health and safety of the people of the City of Drain, an emergency is declared to exist and this ordinance is effective upon its passage by Council and Ordinance No. 379 is hereby repealed.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF DRAIN, DOUGLAS COUNTY, STATE OF OREGON ON THE 10TH DAY OF SEPTEMBER, 2007.


Suzanne Anderson, Mayor

ATTEST:


Carl A. Patenode, City Administrator