

ORDINANCE NO. 194**AN ORDINANCE ESTABLISHING AN AGENCY TO GOVERN THE OPERATION OF THE PUBLIC, EDUCATIONAL AND GOVERNMENTAL CHANNELS ON CABLE TELEVISION IN THE BAY AREA UNDER AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF COOS BAY AND NORTH BEND; AND AS AMENDED BY ORDINANCE NO. 201.**

The City of Coos Bay Ordains as follows:

Section 1. Findings and Purpose. The Council of the City of Coos Bay finds that the cities of Coos Bay and North Bend have enacted similar franchise ordinances for the operation of a cable television communications system serving said cities and the surrounding area; that the franchises provide for channel availability for public, educational and governmental access under reasonable rules and procedures established by the cities and the cable operator. The Council also finds that said cable operator has provided a one-time grant of \$10,000 to each city as an aid in developing public, educational and governmental access channels under a joint operating plan of the cities, and that it is necessary in order to carry out such plan that the cities enter into an intergovernmental agreement for its implementation.

Section 2. Creation of Agency and Board. There is hereby created a public agency of the two cities to be known as "Bay Area Public Access Television" (BAPATV), which will be governed by a Board of Directors composed of three to five persons appointed by each city and to serve at the pleasure of their respective city councils. The board members may appoint an access channel manager who will be an ex-officio member and serve at the pleasure of the Board. Members appointed by the cities will have two year staggered terms. [Section 2 amended by Ordinance No. 201, Section 1, passed September 21, 1993.]

Section 3. Functions of the Board. The powers, functions and duties of the Board of Directors are as follows:

- (1) The Board of Directors is authorized to adopt procedural rules and regulations as may be necessary or convenient to carry out its duties and functions, including the designation and election of officers and the specification of their duties.
- (2) The Board of Directors may authorize the purchase of equipment, supplies and personal services out of funds which have been appropriated by the cities from grant, donation or other sources. The Board may not obligate the agency or either city for any funds which have not been budgeted and appropriated BAPATV funds will be included as a part of each city's budget and will be subject to city audits.

(3) The Board will meet at least quarterly and will make quarterly reports to the councils of the two cities concerning rules, policies and actions taken by the Board and all receipts and disbursements. Regular or special meetings may be called on not less than seven days notice, and special meetings may be called by any two board members. Four board members will constitute a quorum provided that it consists of at least two of the members appointed from each city, and action may be taken on the affirmative vote of a majority of the quorum.

(4) The Board of Directors is authorized to determine the programs and events that will appear on the access channels allocated to BAPATV. The Board may assign to another entity, agency or public body the function of arranging access channel programming or the physical operation of the system.

Section 4. Title to Property. Title to all property donated to BAPATV or purchased with funds from the two cities will be vested jointly in the Cities of Coos Bay and North Bend. Property loaned to BAPATV will be subject to the terms of the loan.

Section 5. Commencement and Termination. This ordinance will become effective as an intergovernmental agreement thirty days after the enactment of a similar ordinance by North Bend. It will remain in effect until thirty days after the repeal of its ordinance by either of said cities.

Passed by the Council and approved by the Mayor April 6, 1993.