

ORDINANCE NO. 276**AN AGREEMENT PROVIDING FOR AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH A REGIONAL FIBER CONSORTIUM FOR THE OWNERSHIP AND OPERATION OF A FIBER OPTIC SYSTEM**

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 Coos Bay has had discussions with several other units of local governments, including Douglas County, Coos County, Lane County, and Cities of Reedsport, Coquille, Lakeside, Roseburg, and other entities 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 be it enacted by the City of Coos Bay:

Section 1. It is the intent of the Coos Bay City Council to create an intergovernmental entity, to be known as the Fiber South Consortium, by 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 July 1, 1999, or such later date as shall be the date two participating units of local government shall have adopted an ordinance ratifying the creation of the Regional Fiber Consortium.

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 of government, that the government in its discretion deems appropriate to contribute to the consortium.
- (b) To provide for the members a fiber optic system, or components thereof, that is consistent with available resources and 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 the expenses, data, expertise, experience, and plans of each unit of local government.

- (d) It feasible for and agreeable to some or all of the members, take joint or common action to provide the appropriate level of communication services to the citizens of the various jurisdictions; and
- (e) To acquire such additional tangible and intangible assets as are deemed necessary to fulfill the other purposes of the 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.
- (c) When requested, act as the agent of the members in the preparation and negotiation of agreements concerning the acquisition, management, and use of the consortium's fiber optic system.
- (d) Carry out further responsibilities and functions as provided by the members.

Section 5. The City Manager is hereby authorized and directed to evidence this ratification of the creation of the Fiber South Consortium by executing, on behalf of the City of Coos Bay a copy of an intergovernmental agreement to establish a consortium of local governments for the ownership and operation of a fiber optic system consistent with the provisions of this ordinance.

Passed by the City Council and approved by the Mayor July 20, 1999.